

NATIONAL TRANSPORTATION SAFETY BOARD

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IN RE: :
   
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THE EL FARO INCIDENT OFF THE: NTSB Accident No.
   
COAST OF THE BAHAMAS ON : DCA16MM001
   
OCTOBER 1, 2015 :
   
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INTERVIEW OF: PHIL MORRELL

Wednesday,
   
October 14, 2015

Jacksonville, Florida

BEFORE:

MIKE KUCHARSKI, NTSB
   
BRIAN YOUNG, NTSB
   
CARRIE BELL, NTSB
   
TOM ROTH-ROFFY, Investigator-in-charge, NTSB
   
[REDACTED] U.S Coast Guard
   
JASON NEUBAUER, U.S. Coast Guard
   
LCDR [REDACTED] U.S. Coast Guard
   
[REDACTED] U.S. Coast Guard
   
JIM FISHER-ANDERSEN, TOTE Services
   
LEE PETERSON, TOTE Services
   
MELISSA SERRIDGE, TOTE Services
   
KEVIN STITH, TOTE Services
   
LOUIS O'DONNELL, ABS
   
AL SHEPHERD, ABS

PRESENT ON BEHALF OF THE INTERVIEWEE:

GIL FELTEL, ESQ., Tanner Bishop

This transcript was produced from audio
   
provided by the National Transportation Safety Board.

1 P-R-O-C-E-E-D-I-N-G-S

2 (9:13 a.m.)

3 MR. KUCHARSKI: Good morning, everyone.

4 This is Mike Kucharski. I'm with the NTSB. I'm the  
5 Operations Group Chairman. And we are here at the  
6 Jacksonville Marriott Hotel. It is the 14th of October  
7 -- 14th of October at about 9:13 in the morning. And  
8 we're here to interview Mr. Morrell, Mr. Phil Morrell  
9 from TOTE. And the reason we're here to interview him  
10 is for the El Maro -- correction -- El Faro incident  
11 that recently occurred.

12 Mr. Morrell, I think I've asked you if you  
13 mind if we record this. Do you mind?

14 MR. MORRELL: I'm okay with that. Thank  
15 you.

16 MR. KUCHARSKI: Thank you. The purpose of  
17 this investigation is not to assign fault, blame or  
18 liability. It's really to increase safety. The NTSB  
19 cannot offer you any confidentiality or immunity from  
20 legal or certificate actions.

21 Well, let me stop there. We have no  
22 enforcement -- the NTSB has no enforcement powers. But  
23 this transcript -- the -- we will transcribe this  
24 recording. It will go to the public docket and all the  
25 information will be there from our -- the actual

1 transcript. Okay? We do look to protect any  
2 information that shouldn't be divulged but the actual  
3 interview will be on the docket. You will also be  
4 given an opportunity to review that transcript and, if  
5 you suggest any changes to it, we will review that and  
6 take that very seriously.

7           You're allowed to have a personal  
8 representative at this interview. I understand you  
9 have chosen one. Could you tell us who that is?

10           MR. MORRELL: That's Gil, to my right.

11           MR. KUCHARSKI: Okay. Gil, on your right.  
12 The representative may be an attorney but he is not  
13 required to be an attorney. He cannot testify on your  
14 behalf. The testimony must come from you. Of course,  
15 you can consult before you answer. That's fine. And,  
16 if there's any major clarification, we can stop and put  
17 it back on so we can clear it up. It's not to try to  
18 confuse you. But, if there's any clarification needed,  
19 we can go ahead and stop.

20           The personal representative comments should  
21 be limited. Legal evidentiary objections are not  
22 grounds for NTSB to refrain from asking the questions.

23           Okay, Mr. Morrell, would you please  
24 introduce yourself. Sorry. Let me stop there. Let me  
25 go around the room and have everyone introduce

1 themselves first starting from your right.

2 MR. FELTEL: Gilbert Feltel, Tanner Bishop  
3 Law Firm. Here as Mr. Morrell's representative.

4 MR. O'DONNELL: Louis O'Donnell, Assistant  
5 Chief Surveyor, ABS, part of the engineering group.

6 MR. YOUNG: Good morning. Brian Young, I'm  
7 the Engineering Group Chairman of the National  
8 Transportation Safety Board.

9 MS. BELL: Good morning. Karen Bell, NTSB,  
10 Human Performance Group Chair.

11 SERGEANT [REDACTED] Good morning. Sergeant  
12 [REDACTED] Coast Guard Civilian Investigator, part  
13 of the Human Performance Group.

14 MR. FISKER-ANDERSEN: Jim Fisker-Anderson,  
15 TOTE Services. I'm part of the NTSB Engineering Group.

16 MR. PETERSON: Lee Peterson, Director of  
17 Marine Services with TOTE. I'm the party coordinator.

18 MS. SERRIDGE: Melissa Serridge, TOTE  
19 Services. I'm part of the Human Performance Group.

20 MR. STITH: Kevin Stith with TOTE Services,  
21 Operations Group.

22 MR. SHEPHERD: Good morning. Al Shepherd,  
23 American Group Shipping. I work with Corporate  
24 Management Central Certification Group and I'm here  
25 representing the Human Performance Group.

1 MR. NEUBAUER: Good morning. I'm Jason  
2 Neubauer. I'm the lead Coast Guard investigator.

3 LCDR [REDACTED] [REDACTED] with the NTSB  
4 Engineering Group.

5 MR. [REDACTED] Good morning. [REDACTED]  
6 with the Coast Guard here with the Operations Group.

7 INVESTIGATOR ROTH-ROFFY: Okay. Quiz  
8 afterwards of all these names. My name is Tom Roth-  
9 Roffy, National Transportation Safety Board,  
10 Investigator-in-Charge. Thank you very much.

11 MR. KUCHARSKI: And, Mr. Morrell, part of  
12 the process here we have a number of groups that have  
13 formed -- the NTSB has for this investigation and it's  
14 a party system as you know or you may not know. ABS is  
15 a party and, of course, TOTE is and the Coast Guard.  
16 So that's the way our system works. Probable cause is  
17 what we're looking for in all this, what caused this  
18 accident.

19 Yeah, just to make sure everyone has their  
20 cell phone silenced or put on vibrate.

21 Okay. Mr. Morrell, we talked about it  
22 outside but if -- to the best of your knowledge, just  
23 answer to the best of your knowledge. If you don't  
24 know, that's fine to say you don't know. Okay. Mr.  
25 Morrell, would you spell your name for us?

1 MR. MORRELL: First name is P-H-I-L-I-P.  
2 Last name is M-O-R-R-E-L-L. No middle initial.

3 MR. KUCHARSKI: And, Mr. Morrell, would you  
4 tell us your title?

5 MR. MORRELL: I'm the Vice President of  
6 Marine Operations' Commercial for TOTE Services.

7 MR. KUCHARSKI: For TOTE Services. Would  
8 you give us a description of what your job is?

9 MR. MORRELL: My primary responsibility is  
10 the maintenance and repair, special compliance of the -  
11 - what we call the inter-company vessels, which is  
12 Totem Ocean Trailer Express, we're now TOTE Maritime  
13 Alaska; and Sea Star Lines, which is now TOTE Maritime  
14 Puerto Rico.

15 MR. KUCHARSKI: Now, you mentioned  
16 commercial operations; is that correct?

17 MR. MORRELL: Yes, sir.

18 MR. KUCHARSKI: And could you tell us what  
19 operations are under there, just the actual runs of the  
20 vessels?

21 MR. MORRELL: There -- the two vessels that  
22 run between Tacoma and Anchorage, the vessels that run  
23 between Jacksonville and San Juan, Puerto Rico and we  
24 also manage -- it used to be four. I think it's three  
25 barges now from Jacksonville to San Juan, Puerto Rico.

1 MR. KUCHARSKI: Are there also the  
2 roll-on/roll-off vessels? Are there any other  
3 roll-on/roll-off vessels --

4 MR. MORRELL: Well, the two in Alaska which  
5 I mentioned, the Orca Class vessels. And then also I'm  
6 -- I have -- I'm involved in the Marlin new  
7 construction and, also, the conversion of the Orca  
8 vessels to dual fuel. Those are also other areas that  
9 I'm involved in.

10 MR. KUCHARSKI: So any of the ARC vessels or  
11 PASHA vessels don't fall under your purview?

12 MR. MORRELL: No, sir, just inter-company.

13 MR. KUCHARSKI: Just inter-company. And  
14 your day-to-day type -- your job, what do you do day-  
15 to-day, essentially?

16 MR. MORRELL: Day-to-day I work with our  
17 team of port engineers in Jacksonville and in Tacoma,  
18 the marine inspection group, vessel inspectors, new-  
19 build inspectors in San Diego and, also, the LNG  
20 Conversion Team on making sure these projects are  
21 coming together and we're performing our roles.

22 I also spend time developing capital  
23 expenditure requests, operating expense items,  
24 performing weekly flashes of the operation and how it's  
25 going.

1                   MR. KUCHARSKI: But do -- based on some of  
2 the things you've just mentioned, would you give us  
3 your background in the marine industry, education in  
4 the marine industry?

5                   MR. MORRELL: I went to the University of  
6 Oregon. When I graduated from there, I went -- I went  
7 to the Todd Shipyards management training program.  
8 And, for me, that was a -- almost a three-year OJT,  
9 one-the-job-training program working every trade, as a  
10 pipe fitter, electrician, a machinist, right through  
11 production planning, estimating, contracts. The role  
12 was to become leaders or management in the Todd  
13 Shipyards organization -- excuse me -- at which time  
14 they had 70 yards across the country.

15                  I left Todd Shipyards and I went to go work  
16 for a firm based in Seattle called Sun Worshipping. I  
17 was the new-build and conversion superintendent. We  
18 built a vessel in Korea and we converted a vessel in  
19 Seattle. I also ran the purchasing group there. It  
20 was a startup company primarily in the Pacific  
21 Northwest Alaska fishing trade.

22                  From there, I was -- with my background in  
23 estimating and shipyard work, I became the dry-dock  
24 superintendent for Holland America Line Westours, which  
25 is part of Carnival Corp. And I worked there for 13



1 years as a dry-dock superintendent handling major  
2 refits, conversions, any sort of vessel damages.  
3 Again, putting together capital requests for big  
4 projects and executing those projects for Holland  
5 America Line.

6 I was recruited and accepted a position with  
7 Totem Motion Trailer Express in 2002 as a Marine  
8 Superintendent to help TOTE transition from steam  
9 vessels to electric propulsion drive, which I had  
10 significant experience in while at Holland America  
11 Line, which operated 12 electric-propulsion-drive  
12 vessels at the time.

13 So I was brought in to transition from steam  
14 vessels to motor vessels and implement a back-office  
15 management system similar to NS-5, which ABS have but  
16 we -- through a process of working with the captains  
17 and the chief engineers at Totem backing a new build  
18 for the Orca class ships, we chose a system called  
19 AMOS, Asset Management Operating System, in which you  
20 have all your database on machinery and spare parts and  
21 maintenance.

22 MR. KUCHARSKI: You mentioned you went to  
23 Oregon, was it?

24 MR. MORRELL: Oregon -- University of  
25 Oregon.

1 MR. KUCHARSKI: University of Oregon. And  
2 what is -- what was your degree in?

3 MR. MORRELL: My degree is in communications  
4 with an emphasis in business.

5 MR. KUCHARSKI: Communications with an  
6 emphasis --

7 MR. MORRELL: In business.

8 MR. KUCHARSKI: -- in business. Okay. Do  
9 you have any formal engineering education?

10 MR. MORRELL: No, sir, other than what I  
11 received in the OJT training at Todd Shipyards.

12 MR. KUCHARSKI: Did you work for Todd's  
13 there in Seattle?

14 MR. MORRELL: Yes, sir.

15 MR. KUCHARSKI: Okay. Let me stop there.  
16 Any questions so far? Do you have any maritime  
17 experience, sailing experience at all?

18 MR. MORRELL: When I was at Todd Shipyards,  
19 I sailed as a guarantee engineer, which is essentially  
20 a noted representative on a series of FFG guided  
21 missile frigates that they were building. And my role  
22 was to work with the officers and the staff on the ship  
23 and document and organize repairs on equipment  
24 failures.

25 MR. KUCHARSKI: And the FFGs, was that

1 basically a Perry-class type FFG?

2 MR. MORRELL: Yes, sit was.

3 MR. KUCHARSKI: It was? Okay. And could  
4 you explain what the propulsion was on those vessels?

5 MR. MORRELL: They were gas -- twin gas  
6 turbine LM2500 single-screw vessels.

7 MR. KUCHARSKI: Thank you. You mentioned  
8 that your expertise was in electric propulsion, you had  
9 some expertise in that?

10 MR. MORRELL: Well, yes, not an expert in it  
11 but I had a very strong working background knowledge on  
12 that.

13 MR. KUCHARSKI: Okay. And the vessels right  
14 now that TOTE has that are electric propulsion?

15 MR. MORRELL: In the Orca-class vessels in  
16 Seattle -- in Seattle.

17 MR. KUCHARSKI: In the Orca class.

18 MR. MORRELL: It's your standard cruise ship  
19 propulsion system.

20 MR. KUCHARSKI: Thank you. Who do you  
21 report to?

22 MR. MORRELL: I report to Phil Greene.

23 MR. KUCHARSKI: Phil Greene. Is he --

24 MR. MORRELL: The President of TOTE  
25 Services.

1 MR. KUCHARSKI: The President of TOTE. And  
2 who are your immediate direct-reports?

3 MR. MORRELL: My direct-report immediately  
4 is Jim Fisker-Andersen.

5 MR. KUCHARSKI: He's the only immediate  
6 direct report?

7 MR. MORRELL: I believe so. I think that  
8 the port engineers report to Jim and then Jim reports  
9 to me.

10 MR. KUCHARSKI: Okay. And the -- so all --  
11 it would be basically just all engineering that reports  
12 to you?

13 MR. MORRELL: Yes. We're primarily -- well,  
14 port engineers and Jim. Yes.

15 MR. KUCHARSKI: Okay. So you're title --  
16 and I'm looking at the operational diagram here. The -  
17 - it shows that you're Vice President of Marine Ops.  
18 So what are Marine Ops by TOTE's definition?

19 MR. MORRELL: Repair and maintenance,  
20 requisitioning of spare parts, consumables, steward  
21 stores, making sure the vessels are -- meet their  
22 regulatory inspections, go to dry dock. I also deal,  
23 like at -- on the -- more on the new constructions  
24 issues when they come from the yard, contractual  
25 matters. Also, in dealing with the Orca conversion,

1 helping out the team with the specification and re-  
2 estimating or doing in-house estimating of the project  
3 cost. Also managing the operational budgets for the  
4 vessels.

5 MR. KUCHARSKI: So would it be a fair  
6 assessment to say it's mainly engineering when we talk  
7 about Marine Ops?

8 MR. MORRELL: Yes but primarily my role is  
9 more administration. I'm not dealing day-to-day on the  
10 engineering decisions.

11 MR. KUCHARSKI: Stop there. Any questions?

12 SERGEANT [REDACTED] Coast  
13 Guard. Are you going to go more into management  
14 personnel or is it okay if I ask just a couple of  
15 questions about that?

16 MR. KUCHARSKI: No. Go ahead. Go ahead at  
17 this juncture.

18 SERGEANT [REDACTED] Could you please talk  
19 about the role that Mr. Fisker-Andersen plays? What's  
20 your interpretation of his role?

21 MR. MORRELL: Jim's role is primarily -- my  
22 -- the senior technical representative here in  
23 Jacksonville that works with the port engineers. He  
24 has interfaced with the port engineers in Tacoma as  
25 well and also is active in the Marlin new build program

1 with the marine inspection team and the vessels that  
2 are being built because they will operate here in  
3 Jacksonville.

4 SERGEANT [REDACTED] Could you talk about the  
5 duties of Mr. John Lawrence?

6 MR. MORRELL: Mr. John Lawrence is, I  
7 believe, manager of ISM and Safety. He manages the --  
8 our national safety management and safe management  
9 systems structure and provides nautical expertise for  
10 us.

11 SERGEANT [REDACTED] Okay. Mr. Mick  
12 Kondracki?

13 MR. MORRELL: Mr. Kondracki is the Director  
14 of Labor Relations.

15 SERGEANT [REDACTED] Okay. In the org chart,  
16 I think it puts him as risk management; is that  
17 correct?

18 MR. MORRELL: I believe so.

19 SERGEANT [REDACTED] And what is risk  
20 management?

21 MR. MORRELL: As I understand, risk  
22 management is insurance-related items.

23 SERGEANT [REDACTED] And how about -- I think  
24 there's a line in your org chart that kind of cuts  
25 across all levels. And they have a title, Director of

1 Ship Management, and it has in that block Mr. Roberts  
2 and Mr. O'Meara.

3 MR. MORRELL: They are on the government  
4 programs side of the -- of TOTE Services.

5 SERGEANT [REDACTED] Okay. And then, just to  
6 help me clarify things, who is the -- who's the  
7 individual within your corporate structure that is  
8 directly responsible for the oversight in nautical  
9 operations?

10 MR. MORRELL: Well, the captain of the  
11 vessel is primarily responsible for nautical operations  
12 of the vessel.

13 SERGEANT [REDACTED] But what about the -- you  
14 know, you talked about the inter-company fleet and you  
15 named a number of vessels. Who's responsible for the  
16 oversight of those vessels, nautically?

17 MR. MORRELL: Well, the captains report to  
18 the port engineers and then they -- and then they --  
19 then it goes up -- the port engineers, then it goes up  
20 to Jim Fisker-Andersen and then to myself. If it's a  
21 nautical-related navigation-type question, we have  
22 resources at TOTE Services which would be Mr. John  
23 Lawrence and that side -- and that team. We have a  
24 Port Captain there, John Lawrence, and he is our Port  
25 Captain.

1 SERGEANT [REDACTED] Okay. So would you say  
2 that John Lawrence was responsible for the oversight of  
3 the fleet of vessels in the inter-company organization?

4 MR. MORRELL: No, I would not say that.

5 SERGEANT [REDACTED] Okay. So you mentioned  
6 the port engineer. Is that person responsible?

7 MR. MORRELL: For the day-to-day operations,  
8 yes.

9 SERGEANT [REDACTED] And how -- and how are  
10 they qualified to be responsible?

11 MR. MORRELL: I'm not sure I understand your  
12 question.

13 SERGEANT [REDACTED] In other words, how is  
14 the port engineer, who's an engineer --

15 MR. MORRELL: Right.

16 SERGEANT [REDACTED] -- qualified to be  
17 responsible for the oversight of nautical operations?

18 MR. MORRELL: Well, he's the -- he deals and  
19 interfaces with the masters on a weekly basis and he's  
20 on the ship each week and has direct communication with  
21 them. And, if the master has issues regarding any type  
22 of items, the process has been for him to communicate  
23 that directly to the port engineer.

24 MR. KUCHARSKI: [REDACTED] I'm going to ask you  
25 to hold off on that.



1 SERGEANT [REDACTED] Yeah.

2 MR. KUCHARSKI: I did have detailed  
3 questions on those. I don't know how much details --

4 SERGEANT [REDACTED] Okay.

5 MR. KUCHARSKI: I'd like to get a broad  
6 overview.

7 SERGEANT [REDACTED] Okay.

8 MR. KUCHARSKI: Very valid questions though.  
9 Thank you. Any other questions organizationally --  
10 broad?

11 MR. SHEPHERD: Al Shepherd, American Bureau  
12 of Shipping.

13 MR. KUCHARSKI: Yes, sir.

14 MR. SHEPHERD: I'm not clear, Phil, if you  
15 would please, you mentioned that Jim Fisker-Andersen  
16 reports directly to you?

17 MR. MORRELL: Yes.

18 MR. SHEPHERD: And then, if I understood you  
19 correctly, you said that the port engineers here in  
20 Jacksonville report to Phil -- I mean, excuse me --

21 MR. MORRELL: Jim.

22 MR. SHEPHERD: -- report to Jim. And then  
23 you mentioned that the Tacoma port engineers also  
24 report to Jim?

25 MR. MORRELL: Yes.

1 MR. SHEPHERD: Okay.

2 MR. MORRELL: In the hierarchy.

3 MR. SHEPHERD: Okay. All right. So, in  
4 that role, then would Jim often be involved in  
5 traveling up to Tacoma or other west coast locations to  
6 interact with those port engineers?

7 MR. MORRELL: Jim has traveled frequently to  
8 San Diego to be involved with the Marlin program. Yes.  
9 Jim used to work for several years in Tacoma and is  
10 very familiar with the port engineers and those  
11 vessels. He's -- so he's just recently relocated down  
12 here. He's been out there once or twice but he has a  
13 very good working relationship with those individuals  
14 in Tacoma.

15 MR. SHEPHERD: Good. Thank you. Thank you  
16 for clearing that up.

17 INVESTIGATOR ROTH-ROFFY: Sir, referring to  
18 the organization chart and it's --

19 MR. KUCHARSKI: Could you identify yourself?

20 INVESTIGATOR ROTH-ROFFY: I'm sorry.  
21 Tom Roth-Roffy, NTSB. And, you know, just a couple of  
22 questions about the lines of authority as indicated in  
23 the org chart. I don't know if it's an error or a typo  
24 but it seems like Mr. Fisker-Andersen reports to you  
25 directly and there's also a vertical line going from

1 your box to the port engineers, which to me would imply  
2 that, perhaps, the port engineers also report directly  
3 to you. And I'm not asking you definitely. If you're  
4 not sure then --

5 MR. MORRELL: I'm not. You know, I -- they  
6 -- I talk to them, you know, communicate with them but  
7 I do not --

8 INVESTIGATOR ROTH-ROFFY: So I don't know if  
9 that's intentional in the way it's displayed there or  
10 if that's a true representation of the lines of  
11 authority?

12 MR. KUCHARSKI: And this is Mike Kucharski.  
13 Just for the record, we have now given Mr. Morrell a  
14 computer view of the TOTE Services, Inc. flow chart.

15 INVESTIGATOR ROTH-ROFFY: Organization  
16 chart.

17 MR. KUCHARSKI: Organization flow chart.

18 INVESTIGATOR ROTH-ROFFY: Yeah.

19 MR. MORRELL: I see that I -- I'm unclear.

20 INVESTIGATOR ROTH-ROFFY: Okay. That's  
21 fine. Sir, the -- just to continue on the organization  
22 of your company, could you give us a history of some of  
23 the organizational changes that occurred in recent  
24 years? I know you've been there since 2002, so you've  
25 probably seen some of these sorts of changes. I

1 understand that Mr. Fisker-Andersen is a new position  
2 that was recently created. And, you know, so could you  
3 cover in your response creation of that and other  
4 organizational changes that you have witnessed. And,  
5 if you could, kind of put dates next to them if  
6 possible.

7 MR. MORRELL: So I joined Totem Motion  
8 Trailer Express in 2002. I was primarily responsible  
9 or -- and only responsible for Totem Motion Trailer  
10 vessels up to approximately 2012. They made -- they  
11 did a reorganization where I would still have Totem  
12 Motion Trailer Express but the Totem Motion Trailer  
13 Express Port Operations and Technical Team would  
14 oversee the port -- the technical repairs and  
15 maintenance of the Sea Star Line vessels starting in  
16 2012. I think it was actually the -- November of 2011.  
17 It took effect more or less in January by the time we  
18 got rolled up.

19 So if this is '15 -- then in 2000 -- I want  
20 to say starting in late 2013 they reorganized what used  
21 to be called Inter-Ocean American Shipping based in  
22 Philadelphia who had the nautical and safety and the  
23 crewing. And, also, what we were doing at Totem with  
24 the Sea Star Line vessels was strictly spare parts and  
25 requisition, maintenance and dry docking.

1                   In 2000 -- late 2013, taking affect of  
2                   January 1, 2014, they relocated that office to  
3                   Jacksonville and then they removed the Marine  
4                   Department from Totem Ocean and put it into TOTE  
5                   Services to manage the inter-company vessels  
6                   collectively.

7                   INVESTIGATOR ROTH-ROFFY:   Okay.   And were  
8                   you involved in the management discussions on the  
9                   rationale for these organizational changes?

10                  MR. MORRELL:   No.

11                  INVESTIGATOR ROTH-ROFFY:   Who was - who was  
12                  doing that, if you recall or if you don't?

13                  MR. MORRELL:   I do -- I don't know exactly  
14                  who was involved in this.

15                  INVESTIGATOR ROTH-ROFFY:   And do you know  
16                  when Mr. Phil Greene joined the organization?

17                  MR. MORRELL:   Approximately -- I want to say  
18                  mid -- approximately mid-year 2013 I believe it was.

19                  INVESTIGATOR ROTH-ROFFY:   As the President  
20                  and CEO.   So do you believe that, perhaps, he as the  
21                  driving force for these sorts of changes or was it  
22                  above him?

23                  MR. MORRELL:   I don't know.

24                  INVESTIGATOR ROTH-ROFFY:   Okay.   Are you a  
25                  member of the Management Board that meets periodically

1 to discuss company management issues?

2 MR. MORRELL: I'm not on any -- I'm not on  
3 any company board. No.

4 INVESTIGATOR ROTH-ROFFY: So, when Mr. Green  
5 meets with his -- and I don't know how to describe it  
6 but, you know, his senior managers, you're not part of  
7 that group?

8 MR. MORRELL: Oh, that. I mean I thought  
9 you were like company -- like Board.

10 INVESTIGATOR ROTH-ROFFY: Board of  
11 Directors. Okay I understand.

12 MR. MORRELL: I'm sorry. I misunderstood  
13 the question. No, I -- I'm on the -- with -- meet with  
14 Phil Greene and others -- colleagues at the senior  
15 level at TOTE Services.

16 INVESTIGATOR ROTH-ROFFY: And could you  
17 describe those meetings? Who attends and how  
18 frequently meetings are done?

19 MR. MORRELL: I'm domiciled in Seattle and  
20 so -- but I travel to Jacksonville at least five to  
21 seven/eight days, ten days a month and so the senior  
22 team at -- what we call it at TOTE Services is Phil  
23 Greene. Mitch Walker is Vice President of Marine  
24 Operations, he handles like the ARC fleet and PASHA and  
25 the government programs, Kirsten Morrison, who is the

1 Regional Controller, Mick Kondracki, the Director of  
2 Labor Relations and I just recently -- I believe  
3 Melissa Serridge is on that team as well.

4 INVESTIGATOR ROTH-ROFFY: And these meetings  
5 are held how often?

6 MR. MORRELL: Well, when I'm in  
7 Jacksonville, we meet frequently but they -- we meet --  
8 they meet as a group every week to review operational  
9 issues in flashes, financial reporting in flashes. We  
10 also -- they also -- there's a vessel operations  
11 meeting every couple of weeks which port engineers and  
12 directors from all over the country in both government  
13 and commercial fleets call into bi-weekly or bi-monthly  
14 I should say, however you want to put it --

15 INVESTIGATOR ROTH-ROFFY: Right.

16 MR. MORRELL: -- operations calls.

17 INVESTIGATOR ROTH-ROFFY: That's -- is that  
18 with you?

19 MR. MORRELL: Well, I -- Mitch Walker  
20 sponsors it but we attend. We call in. If I'm  
21 available, I call in. But what -- definitely our port  
22 engineers from both, whether it's -- both -- and port  
23 engineers from Tacoma call into it and Jacksonville,  
24 or, if Jim is available in person, he attends in  
25 person.

1                   INVESTIGATOR ROTH-ROFFY: And regarding the  
2 upper level of VP meetings with Mr. Greene, do you know  
3 if minutes are kept of those meetings and circulated?

4                   MR. MORRELL: I do not know. I --

5                   INVESTIGATOR ROTH-ROFFY: You've never seen  
6 any minutes circulated from those meetings?

7                   MR. MORRELL: No, sir.

8                   INVESTIGATOR ROTH-ROFFY: Okay. Perhaps we  
9 can make just an inquiry of Mr. Kucharski to add that  
10 as a question unless you already have it on your list.  
11 What about the call-ins at the other meetings that you  
12 mentioned?

13                   MR. MORRELL: The operations meeting?

14                   INVESTIGATOR ROTH-ROFFY: Correct. Do you  
15 have minutes prepared for those?

16                   MR. MORRELL: Yes.

17                   INVESTIGATOR ROTH-ROFFY: Okay.

18                   MR. MORRELL: They're produced by  
19 Karen Peterson.

20                   INVESTIGATOR ROTH-ROFFY: Karen Peterson.  
21 Okay. And there's been some other organizational  
22 changes in the other operating units under Saltchuk.  
23 Are you familiar with those and have knowledge of the  
24 history of those?

25                   MR. MORRELL: I'm -- that's -- I don't



1 understand the question.

2 INVESTIGATOR ROTH-ROFFY: Okay. Your  
3 organizational unit has been kind of reorganized a  
4 little bit perhaps, as you described previously?

5 MR. MORRELL: Are you -- well, are you  
6 referring -- Saltchuk has many lines, five or seven  
7 lines of business. So are you specifically talking  
8 about --

9 INVESTIGATOR ROTH-ROFFY: The marine.

10 MR. MORRELL: The Totem -- the TOTE line of  
11 business or the Foss line of business?

12 INVESTIGATOR ROTH-ROFFY: Yeah, I guess it's  
13 the TOTE -- TOTE, Inc., I guess.

14 MR. MORRELL: TOTE, Inc.

15 INVESTIGATOR ROTH-ROFFY: I think some of  
16 us, me in particular, are having trouble kind of  
17 understanding how this overall organization, you know,  
18 functions together and supports and -- yes, sir?

19 MR. KUCHARSKI: I have a lot of questions  
20 for that, if you do.

21 INVESTIGATOR ROTH-ROFFY: Okay. All right.  
22 So I'll let others expand on that.

23 MR. MORRELL: Yeah, I don't --

24 INVESTIGATOR ROTH-ROFFY: Okay. We'll get  
25 to that.

1 MR. MORRELL: I can't -- I can't comment on  
2 that. I don't know.

3 MR. KUCHARSKI: This is Mike Kucharski back.  
4 The first item of clarification, when you say "Totem  
5 Ocean Trailer Express," is that -- could you explain  
6 what that is?

7 MR. MORRELL: Totem Ocean Trailer Express is  
8 an operating company within the Saltchuk resource  
9 organization, which Saltchuk Resources is a -- is a  
10 holding company. And Totem Ocean Trailer Express was  
11 the first line of business that was created by  
12 Saltchuk. It used to be called TOTE Resources.  
13 Saltchuk was prior called TOTE Resources and then named  
14 Saltchuk. And then that was the foundation for the  
15 development of other businesses.

16 MR. KUCHARSKI: Would it be fair to say  
17 Totem Ocean Trailer Express was the Alaska operations?

18 MR. MORRELL: Yes, sir.

19 MR. KUCHARSKI: Okay. Now, who was the  
20 owner of TOTE Services, which you already --

21 MR. MORRELL: Who are the owners of TOTE  
22 Services?

23 MR. KUCHARSKI: Yes.

24 MR. MORRELL: It would be Saltchuk  
25 Resources.

1 MR. KUCHARSKI: That would be Saltchuk.

2 Could you now give us a description of the different  
3 operating units within that Saltchuk umbrella?

4 MR. MORRELL: The lines of business?

5 MR. KUCHARSKI: Yes, the lines of business,  
6 please.

7 MR. MORRELL: Well, it's TOTE, Inc., which  
8 is Totem Ocean Trailer Express, Sea Star Lines and TOTE  
9 Services. Then you have Foss Maritime. And, under  
10 Foss Maritime, they have -- it was previously called  
11 Marine Resource Group but then they changed it to Foss  
12 Holdings and it has all the tug and barge, like Young  
13 Brothers, Hawaiian Tug and Barge, NavTow (phonetic) or  
14 -- NavTow, I believe, is based in Oakland and a couple  
15 other towing operations within Foss.

16 And they have -- it's called North Star  
17 Utilities Delta Western, which is a fuel and lube oil  
18 distribution organization based primarily in Alaska.  
19 There's a little bit of outreach into the Hawaiian  
20 Islands and then they have Saltchuk Air Cargo, which is  
21 Northern Air Cargo based in Anchorage. And then they  
22 purchased Aloha Airlines when they went bankrupt and  
23 turned them into strictly an air cargo operation.

24 MR. KUCHARSKI: Okay. And you mentioned --  
25 this is Mike Kucharski. You mentioned Sea Star

1 Services. Is that now part of TOTE Maritime? Is that  
2 -- has that named changed?

3 MR. MORRELL: Yes, sir.

4 MR. KUCHARSKI: It is. So zeroing down in  
5 now, we have Saltchuk is the owner of all these  
6 entities. By the way, are they privately held or are  
7 they a publicly traded company?

8 MR. MORRELL: We are a privately held woman-  
9 owned business.

10 MR. KUCHARSKI: Okay. Do you know who the  
11 owners are of Saltchuk?

12 MR. MORRELL: Yes.

13 MR. KUCHARSKI: Who are they?

14 MR. MORRELL: The owners are three  
15 daughters, primarily the three daughters of the  
16 founder, Mike Garvey.

17 MR. KUCHARSKI: The founder, Mike Garvey?

18 MR. MORRELL: He was a leading -- he was a  
19 majority owner and he's -- over the course of time  
20 through a series of processes has handed the business  
21 to his three daughters.

22 MR. KUCHARSKI: To the three daughters.  
23 Okay. So the three daughters are the owners of  
24 Saltchuk and then, under Saltchuk, you mentioned I  
25 think about seven entities that fall under there?

1 MR. MORRELL: Something to that effect.

2 MR. KUCHARSKI: Something like that. And  
3 then we have, specifically, for this right now we have  
4 TOTE Maritime --

5 MR. MORRELL: Yes.

6 MR. KUCHARSKI: -- which has the operations  
7 -- used to be Totem Ocean Trailer Express, falls into  
8 TOTE Maritime?

9 MR. MORRELL: TOTE Maritime is primarily  
10 like the cargo terminal operations side of TOTE. And  
11 TOTE -- TSI, TOTE Services manages the vessels and  
12 other government-program vessels.

13 MR. KUCHARSKI: So -- and the TOTE -- the  
14 port engineers throughout TOTE for the vessels out in  
15 the Alaska run, the vessels over here in the Puerto  
16 Rican trade fall under TOTE Services now?

17 MR. MORRELL: Yes, sir.

18 MR. KUCHARSKI: Okay. Can I go around the  
19 room and ask if there are any follow-on questions? Any  
20 more amplification of that?

21 MS. BELL: Carrie Bell, NTSB. I'm just  
22 curious if you guys -- when you have your weekly  
23 meetings, is Saltchuk involved in those meetings or do  
24 you have separate meetings with them regularly?

25 MR. MORRELL: I'm not involved in any

1 meetings with Saltchuk unless I'm invited to them on a  
2 specific matter. So, no, I'm not.

3 MS. BELL: And so who does Phil Greene  
4 report to?

5 MR. MORRELL: Phil Greene reports to  
6 Anthony Chiarello.

7 MS. BELL: And he is?

8 MR. MORRELL: Anthony Chiarello is the  
9 President and Chairman of TOTE, Inc.

10 MS. BELL: Thank you.

11 SERGEANT [REDACTED] Coast  
12 Guard. You mentioned those vessel operation meetings  
13 that occur every couple of weeks.

14 MR. MORRELL: Yes.

15 SERGEANT [REDACTED] Do you know if there was  
16 one that covered the topic area of the upcoming  
17 hurricane season?

18 MR. MORRELL: I do not know, sir.

19 SERGEANT [REDACTED] And then do you know if  
20 the -- the Maritime side of Saltchuk, do they have any  
21 kind of marine operations center where they track the  
22 movement of vessels or the status of vessels within the  
23 marine side of Saltchuk?

24 MR. MORRELL: I do not believe so.

25 MR. KUCHARSKI: Okay. Around the room? A

1 follow-on question to the big organization here now.  
2 This is Mike Kucharski back. We have Saltchuk and we  
3 have these different operating units. Now, there is an  
4 intermediary and that is Mr. Chiarello.

5 MR. MORRELL: Yes, sir.

6 MR. KUCHARSKI: Okay. And he is President  
7 of TOTE, Inc.?

8 MR. MORRELL: Yes.

9 MR. KUCHARSKI: So we have these different  
10 operating units or you call them lines of business.

11 MR. MORRELL: Well, yeah. I mean, yeah,  
12 lines of business.

13 MR. KUCHARSKI: I'm sorry?

14 MR. MORRELL: Yes, lines of business.

15 MR. KUCHARSKI: Lines. Lines. And so you  
16 have those different entities that then report to  
17 someone at TOTE, Inc.?

18 MR. MORRELL: No. So TOTE, Inc. is a line  
19 of business that -- like TOTE, Inc., Foss Maritime,  
20 North Star Utilities, Saltchuk Air Cargo and they  
21 report up to -- from there.

22 MR. KUCHARSKI: I'm sorry? They --

23 MR. MORRELL: They report up.

24 MR. KUCHARSKI: To?

25 MR. MORRELL: To -- they report up to

1 Saltchuk.

2 MR. KUCHARSKI: To Saltchuk. So then  
3 Mr. Chiarello -- what lines report directly to him?

4 MR. MORRELL: TOTE Services, TOTE Maritime  
5 Alaska and TOTE Maritime Puerto Rico.

6 MR. KUCHARSKI: Is there another entity  
7 called TOTE Logistics?

8 MR. MORRELL: No. TOTE Logistics was  
9 disbanded about a year ago or a year-and-a-half --  
10 about a year or more ago.

11 MR. KUCHARSKI: And what is that part of  
12 now?

13 MR. MORRELL: It's gone. It's nothing.

14 MR. KUCHARSKI: Nothing.

15 MR. MORRELL: I'm sorry. That's correct.  
16 There's one other line of -- there's a -- there's a  
17 company called Carlile Transportation and I don't know  
18 if they -- I don't believe they're part of the TOTE --  
19 they're not part of TOTE. They're a separate stand-  
20 alone business. Sorry.

21 MR. KUCHARSKI: Not part of TOTE but they're  
22 part of Saltchuk?

23 MR. MORRELL: Yes, sir.

24 MR. KUCHARSKI: Saltchuk. Okay. Stop  
25 there. Any other questions organizationally? Sir?



1 INVESTIGATOR ROTH-ROFFY: Sir, could you  
2 describe the --

3 MR. KUCHARSKI: Your name, please?

4 INVESTIGATOR ROTH-ROFFY: Tom Roth-Roffy,  
5 NTSB. Anthony --

6 MR. MORRELL: Chiarello.

7 INVESTIGATOR ROTH-ROFFY: -- Chiarello, he  
8 oversees all the TOTE family of companies, right? Who  
9 does he have on his staff or is he a one-man overseer  
10 of all of these? If you would, describe that  
11 organizational unit, TOTE, Inc.

12 MR. MORRELL: I have some knowledge of that  
13 structure but I'm not a hundred percent exactly who all  
14 reports to Anthony.

15 INVESTIGATOR ROTH-ROFFY: All right. So you  
16 don't know if he has like a VP below him or, you know,  
17 outside of --

18 MR. MORRELL: Oh, yes. Yeah. I mean I --  
19 to the best of my knowledge, under Anthony Chiarello is  
20 Mr. Peter Keller, who's the Senior -- or Executive Vice  
21 President for TOTE, Inc., Mike Holt, who's Vice  
22 President and General Counsel, Kevin Kendrick, Vice  
23 President of Commercial and Hugh Simpson. He's the  
24 corporate -- he's the Chief Financial Officer. And  
25 there's a -- there's a woman who runs -- who handles

1 the IT side of the business and I can't -- I get --  
2 there's two women involved in that and I don't know  
3 which one exactly.

4 INVESTIGATOR ROTH-ROFFY: And that's fine.  
5 Appreciate, you know, what you know about that  
6 organization. I'm hoping that the requested  
7 organizational chart that kind of brings all of these  
8 operating or business units on a single page where it  
9 will help us understand better. But thank you very  
10 much for that explanation.

11 MR. KUCHARSKI: It's Mike Kucharski back.  
12 Yes. I'd like to ditto that, what Tom Roth-Roffy just  
13 said. It's very helpful seeing this because we've been  
14 struggling with this through the days, looking at the  
15 charts and the changes and where these lines match up.

16 MR. MORRELL: I'm sorry. Phil Greene also -  
17 - Phil Greene reports to Anthony but he's not part of  
18 that TOTE, Inc. structure.

19 INVESTIGATOR ROTH-ROFFY: I understand.  
20 Thank you.

21 MR. KUCHARSKI: Mr. Morrell, where do you  
22 actually -- where is your office? Where do you work  
23 out of?

24 MR. MORRELL: I work out of 500 Alexander  
25 Avenue, East Tacoma, Washington.

1 MR. KUCHARSKI: Okay. Is that very close to  
2 the TOTE operations there at the -- what used to be  
3 Totem Resources Express?

4 MR. MORRELL: Totem Ocean Trailers --

5 MR. KUCHARSKI: That's --

6 MR. MORRELL: Totem -- my office is on the  
7 terminal in Tacoma.

8 MR. KUCHARSKI: And why is it that you're  
9 there as opposed to on this coast?

10 MR. MORRELL: Because we have significant  
11 business with the Totem Ocean Trailer Express vessels,  
12 the Marlin new construction is in San Diego and also  
13 the Orca LNG conversion dual fuel is head -- is based  
14 in Tacoma. So -- also, we have -- we have a balance of  
15 management on the west coast because we have east coast  
16 management. So it's to have a balance of management on  
17 both coasts for the inter-company business.

18 MR. KUCHARSKI: So part of it's operations  
19 because the Orca ships are running up there and then  
20 you have the new builds or the conversions?

21 MR. MORRELL: Yes.

22 MR. KUCHARSKI: Do you know the name  
23 Mitch Walker?

24 MR. MORRELL: Yes.

25 MR. KUCHARSKI: What is his position at the

1 company?

2 MR. MORRELL: Mitch Walker is the Vice  
3 President of Marine Operations of -- I believe he  
4 dropped the title from government programs because he  
5 also looks after the ARC, which is American Roll-On  
6 Carriers. And he has the -- always hires the crewing  
7 which we provide for PASHA. So he's not -- he's more  
8 than just Military Sealift Command and MARAD-managed  
9 vessels.

10 MR. KUCHARSKI: So this organizational  
11 diagram that we've been looking at which shows him --  
12 and I'm turning this screen so you can see it also --

13 MR. MORRELL: I can't quite see all of it,  
14 sir.

15 MR. KUCHARSKI: Okay. It says, "Mitch  
16 Walker."

17 MR. MORRELL: Yes.

18 MR. KUCHARSKI: "VP."

19 MR. MORRELL: Yes.

20 MR. KUCHARSKI: "Marine Operations Gov,"  
21 government?

22 MR. MORRELL: Yes.

23 MR. KUCHARSKI: So his title now has -- his  
24 title may be --

25 MR. MORRELL: He dropped the "government"

1 part. He just has "Marine Operations."

2 MR. KUCHARSKI: Marine Operations. So he  
3 includes some of the commercial sector?

4 MR. MORRELL: Other than inter-company.

5 MR. KUCHARSKI: Does he get involved at all  
6 with the decisions made on the Puerto Rican run, the  
7 vessels on the Puerto Rican run?

8 MR. MORRELL: I don't believe so.

9 MR. KUCHARSKI: Any questions there? Okay.  
10 The emergency response structure, shore side, and the  
11 people that are notified, are you part of that  
12 notification process?

13 MR. MORRELL: I'm in -- we have an emergency  
14 -- a call center, which my -- I'm listed as a contact.

15 MR. KUCHARSKI: Is there a document that  
16 will tell us what the exact structure of that shore  
17 side emergency response is, the group?

18 MR. MORRELL: For the emergency calling  
19 center?

20 MR. KUCHARSKI: Sure. No, for the -- a  
21 team, if you will. Is there a team that assembles if  
22 there's an emergency?

23 MR. MORRELL: Yes.

24 MR. KUCHARSKI: Is there some kind of  
25 document that depicts that or tells us about that?

1 MR. MORRELL: I don't know.

2 MR. KUCHARSKI: Okay. But you are on the  
3 call list from the call center to call you if there is  
4 an emergency?

5 MR. MORRELL: Yes, but I'm not sure how it's  
6 structured.

7 MR. KUCHARSKI: The -- in this -- let's zero  
8 in a little bit on El Faro. Were you contacted -- the  
9 incident on El Faro. Were you contacted after the  
10 incident occurred?

11 MR. MORRELL: I was contacted approximately  
12 an hour after the captain called and spoke to John  
13 Lawrence.

14 MR. KUCHARSKI: Did you assemble as part of  
15 any team on this?

16 MR. MORRELL: I was -- I had just returned  
17 from Singapore and I was in Seattle and my first call  
18 was to my technical team, which was Jim Fisker-Andersen  
19 and the -- and Tim Neeson, the port engineer. I call  
20 them to advise them that the ship had called in and  
21 spoke to John Lawrence.

22 MR. KUCHARSKI: So this was -- you said  
23 about an hour after --

24 MR. MORRELL: Roughly about an hour after.

25 MR. KUCHARSKI: After the incident occurred?

1 MR. MORRELL: Yes. After the -- after the  
2 Captain had spoken to Mr. Lawrence.

3 MR. KUCHARSKI: Okay. And did you then  
4 participate in any teleconferences or did you go  
5 anywhere?

6 MR. MORRELL: I participated pretty much all  
7 day long in teleconferences and, you know, updates as  
8 they put together the incident command and its -- and,  
9 in Jacksonville, we had -- we had check-ins every two  
10 to three hours from -- because we're -- people are  
11 scattered around the country.

12 MR. KUCHARSKI: You mentioned a term,  
13 "incident command." So is it an incident command  
14 structure that --

15 MR. MORRELL: We implemented. Yes. We set  
16 up a call -- a command center in the TOTE Services  
17 office.

18 MR. KUCHARSKI: So, if I'm clear on this,  
19 there is some kind of structure in place but you're not  
20 exactly sure what the structure is?

21 MR. MORRELL: Correct.

22 MR. KUCHARSKI: Okay. Were you aware that  
23 Mitch Walker was contacted in the -- in the early  
24 stages?

25 MR. MORRELL: No.

1 MR. KUCHARSKI: Let me stop there to see if  
2 there are any questions.

3 MR. YOUNG: This is Brian Young with the  
4 NTSB. Do you know any specific duties of the members  
5 of the emergency response team?

6 MR. MORRELL: I'm not -- I don't know.

7 MR. YOUNG: So, if a call would come in to  
8 yourself or you were the first to receive it, what  
9 actions would you take?

10 MR. MORRELL: If I was to receive the call?

11 MR. YOUNG: Yes.

12 MR. MORRELL: I would call -- immediately, I  
13 would call Phil Greene and advise him of what the --  
14 what the call was, what the situation is. And then I  
15 would call -- in this case, I would have called Tim  
16 Nolan, the President of TOTE Maritime Puerto Rico and  
17 then, probably, my next call would have been to Jim  
18 Fisker-Andersen and the port engineers. That's what I  
19 would have done.

20 MR. YOUNG: And how was it determined who  
21 would receive the call from the call center?

22 MR. MORRELL: I don't know.

23 MR. YOUNG: Thank you.

24 MS. BELL: Carrie Bell, NTSB. So, as far as  
25 I understand, there's a text that goes out, too, to



1 everyone on the emergency response team?

2 MR. MORRELL: Correct.

3 MS. BELL: And that -- does that happen --  
4 when does that happen?

5 MR. MORRELL: I believe it happens as soon  
6 as the call center receives a call. They send out a  
7 text.

8 MS. BELL: Are you on that list?

9 MR. MORRELL: Yes.

10 MS. BELL: So you did get -- you would have  
11 received a text then prior to getting the phone call?

12 MR. MORRELL: I received text at the -- El  
13 Faro called the command center and the call was -- it  
14 tells -- it says that the call was taken by  
15 John Lawrence.

16 MS. BELL: So what are your actions once you  
17 receive a call like that? Is there something that you  
18 are required to do or something that you do -- you  
19 know, as soon as you get that text message, you know  
20 something is going on.

21 MR. MORRELL: It could have been somebody  
22 got hurt on the ship. It could have been a number of  
23 different things. And then I -- I was just standing --  
24 I was available. For me in Seattle, it was about  
25 4:30/5:00 in the morning and I saw -- I heard the text

1 because my phone is next to my bed as a former Marine  
2 Superintendent. I saw the text. I read the text. It  
3 -- "Call from Captain El Faro" -- "Call taken by  
4 John Lawrence." And that was -- that's what the  
5 message was.

6 And, to myself, I said, okay, John Lawrence  
7 has the call. He will -- if it's something technical  
8 or something vessel operating-wise, he will reach out  
9 to me. But it could be, like I say, a crew member hurt  
10 himself or -- I don't know, something.

11 MS. BELL: Do you have any kind of manual or  
12 anything that just delineates who call -- if there's a  
13 call tree or what actions are to be taken once you  
14 receive a text message?

15 MR. MORRELL: I have not -- I believe there  
16 is but I am not -- I am not -- I'm not certain.

17 MS. BELL: Okay. Thank you.

18 SERGEANT [REDACTED] Coast  
19 Guard. So, just to clarify, you did speak to John  
20 Lawrence?

21 MR. MORRELL: No, I did not speak to  
22 John Lawrence.

23 SERGEANT [REDACTED] That morning did you  
24 speak to him?

25 MR. MORRELL: I received -- my first

1 notification I received a call from Phil Greene.

2 SERGEANT [REDACTED] Okay. And then how did  
3 Phil Greene characterize the conversation he had with  
4 John Lawrence with the ship?

5 MR. MORRELL: He told me that the vessel was  
6 taking on water in the Number 3 cargo hold by a scuttle  
7 they'd found to be open and the vessel had lost  
8 propulsion. And that's all he told me.

9 SERGEANT [REDACTED] Okay.

10 MR. MORRELL: And they were de-watering the  
11 Number 3 cargo hold. They had power and they were  
12 de-watering the Number 3 cargo hold.

13 SERGEANT [REDACTED] Yesterday when we  
14 interviewed John Lawrence, he mentioned that -- we  
15 asked him a question about why didn't you ask Captain -  
16 - the Captain what resources he needed, tugboats or  
17 salvage or anything? His response was that he didn't  
18 think the vessel was -- there was no loss of life and  
19 I'll characterize it that the vessel wasn't in danger.  
20 What's your assessment of the information that Phil  
21 Greene relayed to you about -- you know, from the --  
22 from the Vice President of Marine Ops, what's your  
23 assessment of the condition of the ship?

24 MR. MORRELL: I didn't take the call, so I  
25 don't know firsthand. So I -- the way it was

1       communicated to me from Phil Greene is that people were  
2       safe. The ship had power to de-water. More to follow.  
3       That's all. That's more or less the communication I  
4       was given.

5                       SERGEANT [REDACTED]   And what's your  
6       assessment of that information, from your position as  
7       Vice President in Operations?

8                       MR. MORRELL:   That the Chief Engineer and  
9       the crew were acting accordingly and de-watering Number  
10      3 hold and were doing their best to resolve whatever  
11      the situation was regarding propulsion.

12                      SERGEANT [REDACTED]   Okay. Just to follow-up,  
13      were any thoughts you had about from your role what you  
14      could do?

15                      MR. MORRELL:   Well, I'll say I called  
16      Jim Fisker-Andersen first and then Tim Neeson, the  
17      vessel port engineer for their input, you know, since  
18      Tim is the day-to-day port engineer of the vessel,  
19      familiar with the systems, familiar with the ship, the  
20      chief engineers, to get him up to speed on what's  
21      happening, what's going on and notify Jim, because he's  
22      the next in line to me and we communicate on a regular  
23      basis. So -- but they were -- they had not heard.  
24      They were not notified. So I brought the people that  
25      respond -- report to me, as soon as I got that call

1 from Phil Greene, those are my first two phone calls.

2 SERGEANT [REDACTED] Would you -- would you  
3 have classified what you you'd been told by Phil Greene  
4 as an emergency situation?

5 MR. MORRELL: I don't believe he used that  
6 term.

7 SERGEANT [REDACTED] No, I mean you.

8 MR. MORRELL: I'm so sorry. Re --

9 SERGEANT [REDACTED] Would you classify what  
10 Phil Greene told you as an emergency situation?

11 MR. MORRELL: I can't answer because I --  
12 it's -- I wasn't given enough information to answer  
13 that.

14 MR. SHEPHERD: Al Shepherd, American Group  
15 Shipping. We had another interview earlier this week  
16 with Patty Finstrip-Bush (phonetic). She mentioned --  
17 and stop me if I'm getting ahead. She mentioned about  
18 -- and you hit on this, too, with your comment but she  
19 mentioned about Executive Board meetings throughout the  
20 incident. And you talked about how you were having  
21 calls, conference calls every two or three hours. So  
22 that's the Executive Board, I think, that is probably  
23 referring to?

24 MR. MORRELL: Well, no. I don't -- it was  
25 the people in the command center in Jacksonville and

1 then there was Mr. Peter Keller was on the call, Mike  
2 Holt, would join on the call. Anthony would be on the  
3 call. So it was more than just the people in  
4 Jacksonville. It was the broader management structure  
5 of --

6 MR. SHEPHERD: Exactly. That's what I'm  
7 referring to. So I was just trying to identify who  
8 those people were. And it was like very two hours --  
9 every two or three hours?

10 MR. MORRELL: Approximately every two to  
11 three hours, right.

12 MR. SHEPHERD: And as you described it, I'm  
13 asking a confirmation is that you talked about, you  
14 know, continually assessing the situation, looking at  
15 new options as more information became available.

16 MR. MORRELL: Exactly.

17 MR. SHEPHERD: Would you kind of talk to  
18 some of that and, first of all, who was -- who was a  
19 party? Who was on this --

20 MR. MORRELL: John Lawrence was the -- in  
21 charge of the command center in TOTE Services' office  
22 in Jacksonville and he was leading the call. He ran --  
23 he ran the call. He facilitated the call.

24 MR. SHEPHERD: Sure.

25 MR. MORRELL: And would update input from --

1 notifying the TNT Salvage, notifying the U.S. Coast  
2 Guard Search and Rescue Team in District 7 and input  
3 and feedback from them, any new developments on  
4 chartering, hiring salvage tugs.

5 MR. SHEPHERD: May I stop you just for a  
6 second, please? Who -- let's first identify who were  
7 the people who were every two or three hours -- and,  
8 again, Patty referred to it as the Executive Board.  
9 So, when you had these calls, these group calls that  
10 were two or three hours, who were the parties?

11 MR. MORRELL: Phil Greene was on the call.

12 MR. SHEPHERD: Okay.

13 MR. MORRELL: Mitch Walker, Mick Kondracki,  
14 myself, Jim Fisker-Andersen, Patty Finstrip-Bush, Phil  
15 Weinbecker (phonetic) who was our port engineer. He  
16 was in the call. That's -- I believe that was in the  
17 Jacksonville office.

18 And on the phone in another location was --  
19 Anthony Chiarello was -- in the beginning, he was in  
20 New Jersey but realized at this -- he flew to  
21 Jacksonville that afternoon. Peter Keller was -- I'm  
22 not sure where Peter was. John Parrott, the President  
23 of TOTE Alaska -- TOTE Maritime Alaska was also on the  
24 call. And I'm speaking not on every call but some  
25 calls, Mark Tabbutt, the Chairman of Saltchuk, and Tim

1 Engle, the President of Saltchuk, were not on the early  
2 calls but as -- later in the day, they were on the  
3 calls at some time and Mike Holt.

4 MR. SHEPHERD: Thank you. Okay. I guess we  
5 can get into a little bit more detail what the calls  
6 were about a little bit later in the interview unless  
7 you want to cover it now?

8 MR. KUCHARSKI: No. I think -- I think we  
9 can come back to that.

10 MR. SHEPHERD: Thank you.

11 MR. YOUNG: This is Brian Young with the  
12 NTSB. I understand you were traveling from Singapore  
13 back to the states and then received these phone calls.  
14 During your time in Singapore and up until the time of  
15 phone call, were you aware of the weather forecast and  
16 conditions in the area of the El Faro's travel? Were  
17 you monitoring the weather?

18 MR. MORRELL: Only what I saw on the -- on  
19 the news -- on the TV. I was a 15-hour time zone  
20 difference and I was in meetings pretty much 12 hours a  
21 day when I was over there.

22 MR. YOUNG: Okay. And did anybody under  
23 your direct report report in any concerns or anything  
24 about the weather?

25 MR. MORRELL: No. No.



1 MR. YOUNG: Okay. Thank you.

2 MR. KUCHARSKI: Mike Kucharski, along the  
3 lines of that, were you aware the vessel was in  
4 hurricane conditions?

5 MR. MORRELL: When?

6 MR. KUCHARSKI: When you said Phil Greene  
7 called you and told you they were de-watering, lost  
8 propulsion, there had been a hatch open?

9 MR. MORRELL: At that point, I realized that  
10 they were in a hurricane but not prior to that.

11 MR. KUCHARSKI: You did realize at that  
12 point?

13 MR. MORRELL: Well, yeah. He said that they  
14 were -- I think he mentioned that they were in the  
15 storm, they were in the eye of the storm or in the  
16 storm or something to that effect.

17 MR. KUCHARSKI: Okay.

18 UNIDENTIFIED SPEAKER: Those were basically  
19 my questions.

20 LCDR [REDACTED] [REDACTED] U.S. Coast Guard. At  
21 any point during the call was it ever discussed the  
22 status of the El Yunque and the possibility of turning  
23 them around to intercept?

24 MR. MORRELL: I believe they asked not  
25 necessarily to turn the vessel around. I think -- she

1 -- they had passed each other but if they had  
2 communications with each other. And I think they  
3 reached out and I'm not sure if Captain Stead  
4 (phonetic) was on the El Yunque at the time. But I do  
5 know that they normally communicate with each other as  
6 they get within VHF range, just to chitchat back and  
7 forth and what's going on and different conditions and  
8 different things. And I think they reached out, if I'm  
9 -- what I understand is they reached out to Captain  
10 Stead to -- if he -- if they -- if they had routine  
11 communication. That's all I know.

12 MR. KUCHARSKI: I had wanted -- this is  
13 Mike Kucharski back. I had wanted to go with a  
14 different flow but I think --

15 MR. SHEPHERD: Mr. Kucharski, if you're at a  
16 topical break, I was actually hoping for a restroom  
17 break.

18 MR. KUCHARSKI: You were?

19 MR. SHEPHERD: I was. Yes.

20 MR. KUCHARSKI: Well, you can go. Sorry.

21 MR. SHEPHERD: Doesn't mean I'll leave the  
22 room though. We can make this an uncomfortable as  
23 possible.

24 MR. KUCHARSKI: Okay. We can take a break.  
25 Yeah. Sure. We can take a break. The time is now

1 10:12 and we'll take a short break.

2 (Whereupon, the above-entitled matter went  
3 off the record at 10:12 a.m.)

4 (Begin Audio 16.10.14 - Phil Morrell - VP  
5 Marine Ops TOTE Part 2A.)

6 Whereupon, the above-entitled matter resumed  
7 at 10:30 a.m.)

8 MR. KUCHARSKI: Good morning again everyone.  
9 It is now about 10:30 and we're resuming the interview  
10 of Mr. Morrell. And again, it's the 14th of October  
11 and we're here in Jacksonville, Florida.

12 To everyone here, I'd like to continue the  
13 flow on the emergency response questions. I was going  
14 to redirect to get back to an agenda I had but I think  
15 the flow was going in that direction. So I'd like to  
16 keep it there as far as emergency response goes.

17 So let's go back to that and I'll start  
18 around the room to see if there are any further  
19 questions regarding the incident command structure, the  
20 actual response to the call centers, contacting or  
21 putting John Lawrence in touch with the Captain of El  
22 Faro. So going around the room, do we have further  
23 questions on that?

24 MR. YOUNG: Brian Young with the NTSB. If  
25 you can recall, what were some of the details you

1 received about the state of the ship from the Captain's  
2 call to either the call center or John Lawrence? In  
3 any more details, we're trying to establish what kind  
4 of condition the ship was in terms of propulsion and  
5 flooding and current weather. Anything you can recall  
6 that would help us establish the condition.

7 MR. MORRELL: Well as I mentioned, Phil  
8 Greene called me to say that the vessel watch, he had  
9 approximately a 15 degree list. And it was discovered  
10 that a scuttle was open where the water was ingressing  
11 into Number 3 hold. And they had power and they were  
12 de-watering. They were in severe, you know, severe  
13 heavy weather storm conditions. That's all I can  
14 remember. That's all I got, more or less.

15 MR. YOUNG: Are you aware of locations of  
16 scuttles or what a scuttle does? Or what the  
17 significance of a scuttle being blown or popped open  
18 would mean?

19 MR. MORRELL: You asked a couple questions  
20 there so the first one was --

21 MR. YOUNG: Are you aware of the location of  
22 the scuttles aboard the ship?

23 MR. MORRELL: Yes.

24 MR. YOUNG: And what is their purpose?

25 MR. MORRELL: The purpose of the scuttles on

1 those Ponce vessels was for personnel access from the  
2 lower hold to when the water tight doors are secured.  
3 So there's a vertical ladder that you take from -- the  
4 scuttle is located on the second deck which is the  
5 bulkhead deck. And everything below second deck is the  
6 water tight.

7 So when those water tight doors are closed,  
8 to have ingress and egress from the spaces below, you  
9 take these vertical ladders to third deck and then onto  
10 tank top.

11 MR. YOUNG: And when it was reported to you  
12 that a scuttle was popped open -- is that the term that  
13 you used?

14 MR. MORRELL: That's somebody else's term.  
15 The term that I was told by Phil Greene was it was  
16 found open, it was found open.

17 MR. YOUNG: Found open. Okay. Thank you.

18 MS. BELL: Carrie Bell, NTSB. One of the  
19 things from our interview with Ms. Bush (phonetic), she  
20 mentioned that during these daily meetings you were  
21 having, she called them objectives and command  
22 meetings. Can you describe to me the objectives that  
23 were discussed during those meetings and what those  
24 entailed?

25 MR. MORRELL: Well the objective was

1 primarily, the goal was to search and locate the  
2 vessel, number one. And hoping that we'd find her just  
3 in the situation that she was just adrift. And to get  
4 the rescue tugs to her location and bring her port.  
5 That was the main objective in the early stages.

6 MS. BELL: And it seemed that there were a  
7 lot of discussions about different salvage companies  
8 and who was going to be working with you. Is there a  
9 certain, do you have a contract with a certain company  
10 that you typically use? And was there discussions  
11 about using someone outside of that?

12 MR. MORRELL: Okay. So in accordance with,  
13 I believe it's a Coast Guard regulation, firefighting  
14 and salvage regulations, you are required to have a  
15 firefighting and salvage organization on contract. And  
16 we do, we have TNT Salvage is the firm that's on  
17 contract in accordance with the rules and regulations  
18 to provide those services.

19 So the first call was to them because  
20 that's, they're our response group for this sort of  
21 situation as designed by the rules. We also reached  
22 out to other industries and sister -- not sister  
23 companies but also our sister company Foss Maritime  
24 joined the calls later. Because the tug business has a  
25 whole series of networks of friends and businesses and

1 they were reaching out to who is available in certain  
2 areas.

3 Even though we're competitors, the owners  
4 have a business relationship. And they actually spoke  
5 and asked Crowley to help and of course, which they  
6 did.

7 MR. [REDACTED] [REDACTED] with the Coast  
8 Guard. Sir, regarding the call center itself, can you  
9 describe that in a little bit more detail? Is it TOTE  
10 only or is it a contract with a service provider that  
11 also services other companies? That kind of thing.  
12 Their roles and responsibilities.

13 MR. MORRELL: I'm not familiar with the call  
14 center, sir.

15 MR. SHEPHERD: Al Shepherd, American Bureau  
16 of Shipping. You mentioned a 15 degree list. Did you  
17 get which side, port side, port list, starboard list?

18 MR. MORRELL: I don't recall them saying.

19 MR. SHEPHERD: Okay. Thank you.

20 MR. KUCHARSKI: Tom, do you have questions?

21 MR. ROTH-ROFFY: Yes, just a second.

22 MR. KUCHARSKI: Okay.

23 MR. ROTH-ROFFY: Are you familiar with any  
24 contractual agreement with ABS to provide emergency  
25 services, for advice or salvage, vessel in distress?

1 For example, I think they call it an RRD8.

2 MR. MORRELL: Yes.

3 MR. ROTH-ROFFY: So do you have arrangement  
4 with ABS?

5 MR. MORRELL: Yes. ABS were brought in,  
6 their damage stability group and did, with the vessel's  
7 known cargo and different stability issues which ABS  
8 have on the record in drawings and documentation. They  
9 did a damage stability assessment of that.

10 MR. ROTH-ROFFY: And when were they  
11 notified?

12 MR. MORRELL: I believe it was the very  
13 first day. They were brought in to do an assessment of  
14 what the impact of Number 3 hold would be in a flooding  
15 condition.

16 MR. ROTH-ROFFY: And do you recall what  
17 their analysis showed?

18 MR. MORRELL: I didn't speak to them  
19 directly but my understanding is that the vessel had  
20 sufficient stability for that hold to be, to have some  
21 degree of flooding and she'd be fine.

22 MR. ROTH-ROFFY: Okay. Was that provided to  
23 you in a written report or just over the phone?

24 MR. MORRELL: It was over the phone.

25 MR. ROTH-ROFFY: Do you know if a written



1 report was prepared?

2 MR. MORRELL: I do not know.

3 MR. ROTH-ROFFY: Perhaps we can request any  
4 such documentation from that ABS group that responded.  
5 Mike, could you take note of that please?

6 MR. KUCHARSKI: Sure.

7 MR. ROTH-ROFFY: (Inaudible)

8 MR. KUCHARSKI: I'll have to add to it to  
9 the list. This is Mike Kucharski. Are you finished  
10 Tom?

11 MR. ROTH-ROFFY: Yes. Thank you.

12 MR. KUCHARSKI: This is Mike Kucharski.  
13 What was the official title of the service so I know  
14 what to request?

15 MR. MORRELL: I don't know exactly what ABS  
16 called but it's their, there's a damage assessment and  
17 stability group, for lack of a better term. I don't  
18 know exactly the wording.

19 MR. KUCHARSKI: And can you, is that part of  
20 what's called a block agreement for the services that  
21 ABS provides or whatever they call it?

22 MR. MORRELL: Well I believe it's in their  
23 fees. When you call it a block fee agreement, Sea Star  
24 Lines does not have a block fee agreement. We were  
25 putting one in place for the new vessels.

1 MR. KUCHARSKI: And do you know if that  
2 service actually is integrated within the structure of  
3 the classification society? Or is that a stand alone?

4 MR. MORRELL: I believe it's in Houston's  
5 headquarters. I believe, I'm not exactly sure.

6 MR. KUCHARSKI: Okay. We'll clarify that,  
7 maybe with our ABS expert here at a later date. Unless  
8 we want to open that up now and ask.

9 MR. YOUNG: I think it might be worthwhile  
10 if you could put this under some sort (inaudible).

11 MR. O'DONNELL: Our RDA -- excuse me, Louis  
12 O'Donnell with ABS. Our RDA is rapid response teams  
13 assessment. It's an additional service offered by ABS  
14 to the owner. It is required for some vessels but not  
15 for all. It would not be required. The owner is not  
16 obligated to, for this vessel to take the service but  
17 they can take the service.

18 And as Mr. Greene -- excuse me, Mr. Morrell  
19 testified, they will do a damage assessment based on  
20 information provided from the owner. And provide that  
21 information back to the owner, their assessment. If  
22 you want that information, it would have to come  
23 through TOTE. We can work with them and we can get  
24 that information if you want. I have no knowledge of  
25 what was done there.

1 MR. KUCHARSKI: This is Mike Kucharski. Is  
2 that a separate service stand alone from ABS, the  
3 certification or the classification society?

4 MR. O'DONNELL: Lou O'Donnell with ABS.  
5 It's not a certification service. It's an additional  
6 service provided on top of classification.

7 MR. KUCHARSKI: Okay. So it's not organized  
8 separately as a stand alone unit? But it's --

9 MR. O'DONNELL: I'm not 100 percent sure if  
10 it's a stand alone unit but I can find out.

11 MR. KUCHARSKI: Thank you. Mr. Morrell,  
12 this is Mike Kucharski back again. Do the Masters,  
13 does the ship have the capability of going directly to  
14 this rapid response without having to go through the  
15 company? Can they call up ABS, their rapid response  
16 service, and say my ship is sinking, I need assistance  
17 or I'm flooding?

18 MR. MORRELL: Of course. I mean, the Master  
19 has a satellite communication system onboard and he can  
20 call anybody he wants.

21 MR. KUCHARSKI: So that have that  
22 information onboard? They have this complete rapid  
23 response --

24 MR. MORRELL: I do not know if they have all  
25 that information onboard or not.

1 MR. KUCHARSKI: Is it part of your SMS at  
2 all that this structure is incorporated, this rapid  
3 response service is incorporated in your safety  
4 management system?

5 MR. MORRELL: I don't recall.

6 MR. KUCHARSKI: I'll go around the room  
7 specifically on the rapid response capabilities. Any  
8 questions on that? Okay. Continuing along the line of  
9 the actual incident and the response, do we have any  
10 more questions along that?

11 MR. YOUNG: Brian Young with the NTSB. You  
12 said you contacted some other companies that may have  
13 salvage assistance. Did anybody make of any of these  
14 vessels available? And did they actually send anybody  
15 out?

16 MR. MORRELL: Yes. Crowley sent a vessel  
17 out.

18 MR. YOUNG: About what stage of the  
19 notification did that take place?

20 MR. MORRELL: I believe they were notified  
21 during the early stages. Like that mid morning, early  
22 morning. And I believe they were underway either 18:00  
23 or sometime within a reasonable amount of time after  
24 that.

25 MR. YOUNG: Where did they depart from?

1 MR. MORRELL: I'm not certain where they  
2 departed from.

3 MR. YOUNG: And they continued to head  
4 directly towards the site of the El Faro? Or did they  
5 ever turn back due to the weather?

6 MR. MORRELL: I believe they continued  
7 until, you know -- they were also being coordinated by  
8 the U.S. Coast Guard District 7 command center on where  
9 to go. So they had a voyage plan where they going to  
10 go and I don't recall exactly all that detail.

11 MR. YOUNG: Okay. And how many vessels  
12 departed?

13 MR. MORRELL: Three to the best of my  
14 knowledge.

15 MR. YOUNG: Three from Crowley, all?

16 MR. MORRELL: NO. One from Crowley and two  
17 from TNT Salvage.

18 MR. YOUNG: Thank you.

19 MR. KUCHARSKI: This is Mike Kucharski back.  
20 I'd like to continue now with the rest of the  
21 interview. We can go always go back, team. If any of  
22 the members here, if you want to revisit the actual  
23 incident or the response, we can always handle that  
24 under the general questions.

25 Mr. Morrell, are you aware of any shoreside

1 monthly safety meetings that are held?

2 MR. MORRELL: Yes.

3 MR. KUCHARSKI: Do you participate in those?

4 MR. MORRELL: When I can, when I'm in town.

5 MR. KUCHARSKI: Are you struck by the  
6 infrastructure that you have set up, are you normally  
7 supposed to participate in those?

8 MR. MORRELL: I'm asked to but I don't think  
9 it's mandatory that I attend every one because I'm in  
10 various different things. But our team does, whether  
11 Jim participates or the Port Engineers participate.

12 MR. KUCHARSKI: Jim being?

13 MR. MORRELL: Jim Fisker-Anderson.

14 MR. KUCHARSKI: Jim Fisker-Anderson. Are  
15 you aware of any other people that are required to  
16 attend that?

17 MR. MORRELL: Well that are required to  
18 attend, I believe it's the Port Engineers that are  
19 required to attend. And I'm not sure who else would be  
20 too.

21 MR. KUCHARSKI: Mr. Morrell, who does the  
22 Captain directly report to?

23 MR. MORRELL: He reports directly on a day  
24 to day basis to the Port Engineer.

25 MR. KUCHARSKI: And then it's my understand

1 the Port Engineers report to Mr. Fisker-Anderson.

2 MR. MORRELL: Yes.

3 MR. KUCHARSKI: How about if there are  
4 navigational, weather issues of such? Who does he  
5 report to then? Where does he seek guidance from?

6 MR. MORRELL: He would call, we have  
7 resources available in our marine services group.  
8 Captain John Lawrence (phonetic) for one and Port  
9 Captain Eunice (phonetic). I can't just recall her  
10 last name off the top of my head. But those resources  
11 are available for nautical navigation type questions.  
12 Or he would send a message to Jim or to Port Engineers  
13 for that.

14 MR. KUCHARSKI: So you said John Lawrence  
15 and there's a Port Captain also?

16 MR. MORRELL: Yes. They're the resources  
17 which are available to him in that specific field.

18 MR. KUCHARSKI: Did you have any  
19 conversations with Captain Davidson while he was  
20 employed as Master on this vessel, the El Faro?

21 MR. MORRELL: Yes.

22 MR. KUCHARSKI: Can you tell us what those  
23 conversations were about?

24 MR. MORRELL: Well when I'm in Jacksonville,  
25 I go down to the ships and I meet the crew and I meet

1 with the Chief Engineer and the other engineers and the  
2 mates. When I'm down, I go down there as much as  
3 possible. And we just talk about how the vessel is  
4 performing or personnel issues or anything of concern,  
5 just things in nature just to have a civilized  
6 conversation with him.

7 Recently, we brought him into the office for  
8 an interview. He was a candidate to be Master on one  
9 of our new vessels.

10 MR. KUCHARSKI: And he was a candidate. Was  
11 he chosen for that position?

12 MR. MORRELL: No he was not.

13 MR. KUCHARSKI: Why not?

14 MR. MORRELL: I can't recall the exact  
15 details. But there's a collection of questions from a  
16 variety of people and the assessment was made that he  
17 was not the type of Captain we were looking for,  
18 perhaps. I don't exactly know the full explanation.

19 MR. KUCHARSKI: Were you part of that  
20 decision making process?

21 MR. MORRELL: I was in the interview, yes.

22 MR. KUCHARSKI: Let me ask you again. Were  
23 you actually part of the decision making process?

24 MR. MORRELL: I see what you're saying.  
25 Yes.



1 MR. KUCHARSKI: Okay. Who would actually  
2 know what those reasons were that could tell us?

3 MR. MORRELL: I would have to be, probably  
4 Mick Kondracki. He probably had a consolidated list of  
5 reasons.

6 MR. KUCHARSKI: Who else was part of that  
7 decision making process?

8 MR. MORRELL: Mitch Walker I believe was in  
9 the interviews. Jim Fiskier-Anderson was in the  
10 interview. Phil Greene, Melissa Clark who is a Crewing  
11 Manager. I don't know if Melissa Sturage (phonetic)  
12 was involved in it. I can't recall.

13 MR. KUCHARSKI: And Mitch Walker was the, or  
14 is the Vice President of Marine Operations. Let me  
15 rephrase that. Was he part of the, was he the Vice  
16 President of Marine Operations government at that time?

17 MR. MORRELL: Well government yes. Or as it  
18 is now, any other line, commercial business that we  
19 have.

20 MR. KUCHARSKI: How long ago was this  
21 decision made, approximately?

22 MR. MORRELL: Are you talking about the  
23 change in Mitch's position?

24 MR. KUCHARSKI: No. I'm sorry. The  
25 decision not to use Captain, or not to offer him a

1 position on the new vessels.

2 MR. MORRELL: I believe it was in August,  
3 mid August.

4 MR. KUCHARSKI: August of this year?

5 MR. MORRELL: Yes, sir.

6 MR. KUCHARSKI: Okay. So you mentioned  
7 there were other candidates involved. Who were those  
8 candidates? Do you recollect who they were?

9 MR. MORRELL: Captain Stipp (phonetic) was a  
10 candidate. And we had, I want to say a good three or  
11 four other strong candidates that came to us from  
12 outside and inside the company, mostly outside.

13 MR. KUCHARSKI: And just so we -- I'm not  
14 trying to track you or pin you down, but would you  
15 think Mick Kondracki would be the person we could find  
16 that information from?

17 MR. MORRELL: Yes, sir.

18 MR. KUCHARSKI: Okay. Any questions along  
19 that line?

20 MS. BELL: Carrie Bell, NTSB. When was the  
21 interview?

22 MR. MORRELL: I want to say it was early or  
23 mid August.

24 MS. BELL: And when was he informed of the  
25 decision?

1 MR. MORRELL: I do not know.

2 MS. BELL: Who would (inaudible) about that  
3 decision?

4 MR. MORRELL: I believe Mick Kondracki and  
5 Melissa Clark went to the vessel to talk to him, I  
6 believe.

7 MS. BELL: And what were the criteria -- you  
8 said you interviewed him. Do you have a list of  
9 criteria that they have to meet?

10 MR. MORRELL: There's some questions. I  
11 don't know if we have a checklist of fill in all the  
12 boxes. But there are some questions about operating  
13 cellularized container ships or heavy lift type  
14 vessels. Being active, and when I mean active, it's a  
15 term that I use, getting around the vessel, being  
16 active in cargo operations to the extent of Captain  
17 voyages.

18 Being familiar with what's happening on deck  
19 and around the vessel. And meeting with the  
20 engineering staff and going to down to the control and  
21 having a cup of coffee. Just general, those are the  
22 traits and things that I look for in my area.

23 MS. BELL: Do you also review his  
24 performance evaluations?

25 MR. MORRELL: We did not. I don't believe

1 his performance evaluations were, I don't recall them  
2 being part of the interview process.

3 MS. BELL: Have you seen those?

4 MR. MORRELL: I saw one briefly about a year  
5 ago.

6 MS. BELL: That was his performance at about  
7 a year ago? Or was that from --

8 MR. MORRELL: Yes. Well it was an  
9 evaluation based on a year ago.

10 MS. BELL: Okay. You did see that?

11 MR. MORRELL: I saw a draft copy of it but I  
12 didn't see the official copy.

13 MS. BELL: And was there anything that you  
14 recall on there that would make you question his being  
15 able to perform his position?

16 MR. MORRELL: No.

17 MS. SERRIDGE: I have a question. This is  
18 Melissa --

19 MR. KUCHARSKI: Hold on. [REDACTED] you had  
20 your hand up. Go ahead.

21 MR. [REDACTED] Sorry. [REDACTED] Coast  
22 Guard. How important is the interview process for the  
23 selection of candidates?

24 MR. MORRELL: How important?

25 MR. [REDACTED] Yes.

1 MR. MORRELL: Well we're always looking -- I  
2 think it's relatively important. We're looking for  
3 continuous improvement and trying to find the best,  
4 strongest candidates we can find to man the vessels.

5 MR. [REDACTED] So you look at a candidate  
6 pool from inside the company and then some mariners for  
7 the Master's position that are outside the company. Is  
8 that correct?

9 MR. MORRELL: Yes.

10 MR. [REDACTED] Were those Masters coming from  
11 Saltchuk companies or other than Saltchuk companies?

12 MR. MORRELL: Other than Saltchuk companies.

13 MR. [REDACTED] So they're outside of your --

14 MR. MORRELL: Well a combination. When you  
15 say Saltchuk, like Saltchuk vessels that are like  
16 managed by TSI?

17 MR. [REDACTED] The lines of business that  
18 Saltchuk owns. In other words, were there people  
19 outside of those lines of business?

20 MR. MORRELL: Yes.

21 MR. [REDACTED] Okay. So just to clarify, the  
22 ship that you were looking to put a Master aboard, what  
23 route was that going to sail?

24 MR. MORRELL: The same routes that the El  
25 Faro and the El Yunque are sailing today, Jacksonville

1 to San Juan, Puerto Rico and back.

2 MR. [REDACTED] Okay. So within your  
3 interview process, how do you assess the capabilities  
4 of the candidates to handle that route?

5 MR. MORRELL: There was a series of  
6 questions by the group on those type of questions. I  
7 can't recall exactly what the questions were.

8 MR. [REDACTED] Were there any questions  
9 pertaining to meeting the schedule?

10 MR. MORRELL: Possibly.

11 MR. [REDACTED] Were there any questions  
12 related to adverse weather operations?

13 MR. MORRELL: Possibly.

14 MR. [REDACTED] Are there notes of those?  
15 Informal notes or records of those interviews kept?

16 MR. MORRELL: I don't know.

17 MR. [REDACTED] Thank you.

18 MR. KUCHARSKI: Just a quick question.  
19 Melissa, I'm sorry. To follow on that, did you have  
20 any of your own specific questions outside of this  
21 list, the bank of questions? Any of your own specific  
22 questions in the interview process for the Masters  
23 that, you know, the candidates?

24 MR. MORRELL: I think I had a couple.  
25 Mostly mine were focused on maintenance and repair and

1 upkeep of the vessel.

2 MR. KUCHARSKI: Thank you. Melissa?

3 MS. SERRIDGE: Do you know --

4 MR. KUCHARSKI: Could you identify yourself  
5 please?

6 MS. SERRIDGE: This is Melissa Serridge, HR  
7 Manager for TOTE Services. Do you know if the decision  
8 was made that Captain Davidson would follow the El Faro  
9 over to the Alaska trade?

10 MR. MORRELL: I'm sorry, repeat the question  
11 again.

12 MS. SERRIDGE: Do you know if the decision  
13 was made for Captain Davidson to follow the El Faro  
14 over to the Alaska trade and do that run while the  
15 other ships were being converted?

16 MR. MORRELL: Well I don't know if he was  
17 advised of the decision but there was a decision made  
18 that when the vessel, when the El Faro was running in  
19 the Alaska trade that we would have an Alaska trade  
20 experienced Master and Mate on the vessel. Because of  
21 the weather conditions and the severe weather and the  
22 icing. And the different characteristics of sailing in  
23 the North Pacific are different than in the Puerto  
24 Rican trade.

25 And the president of TOTE maritime Alaska

1 asked me to make sure that we had an Alaska captain on  
2 the vessel which we agreed to. And I don't know if  
3 that was communicated to Captain Davidson or not, if he  
4 was -- or he would rotate to the El Yunque or find  
5 another slot.

6 But I know that, as an organization, we were  
7 planning on appointing Alaska experienced captains on  
8 main (inaudible) ship.

9 MR. KUCHARSKI: Mike Kucharski. Did Captain  
10 Davidson have Alaska experience?

11 MR. MORRELL: I don't know for sure, but  
12 not recently. I've been up there for, well, since 2002  
13 and I don't recall him sailing on our vessels in a  
14 leadership position.

15 MR. KUCHARSKI: Would you consider the  
16 Alaska run more demanding, as far as weather goes, than  
17 the Caribbean run --

18 MR. MORRELL: It's more consistently bad.

19 MR. KUCHARSKI: Okay. I'm finished with a  
20 lot of this.

21 MR. SHEPHERD: Al Shepherd, American Bureau  
22 of Shipping. If you'll -- I need a little  
23 clarification, please, on the port captain. You  
24 mentioned in your testimony a couple times about John  
25 Lawrence as a port captain.



1 MR. MORRELL: Well, he's not the port  
2 captain, but he's our resource. His title is not port  
3 captain.

4 MR. SHEPHERD: Okay, so I guess I'm just  
5 trying to clear that up. The question was raised a  
6 number of times already. It was discussed some about  
7 if there was a master onboard one of the TSI ships. If  
8 they have a navigational question or concern who would  
9 they go to? And if I recall you mentioned --

10 MR. MORRELL: Yes, that's correct. I mean,  
11 John Lawrence and that group, they're a resource.  
12 Based on his sailing experience as a master then they  
13 could reach out to him to discuss navigation and  
14 nautical issues too.

15 MR. SHEPHERD: Is it established, is a  
16 company established known practice or is it just  
17 because everybody knows John's a licensed master -- he  
18 was a master mariner?

19 MR. MORRELL: I can't -- I don't know.

20 MR. SHEPHERD: Okay, thank you.

21 MR. KUCHARSKI: Along those lines, if the  
22 captain wanted to change his route, who would he ask  
23 for guidance?

24 MR. MORRELL: He doesn't need -- he can  
25 decide himself to make the change himself. He doesn't

1 need permission.

2 MR. KUCHARSKI: Back to the interview  
3 process, are you are you familiar with the name  
4 (phonetic) Brohr Axelson? Axelson, Brohr Axleson?

5 MR. MORRELL: Oh, I know the -- Captain  
6 Axelson, yes.

7 MR. KUCHARSKI: Axelson? Yes. Was he one  
8 of the candidates for the run for the new ships?

9 MR. MORRELL: No. No, he was not.

10 MR. KUCHARSKI: He was not? Okay. So, to  
11 your knowledge, was Captain Davidson advised that he  
12 was not chosen as one of the masters for the new ships?

13 MR. MORRELL: I believe he was advised.

14 MS. BELL: Carrie Bell, NTSB. You believe  
15 he was advised. Do you know if responded in any way?

16 MR. MORRELL: I was not there.

17 MS. BELL: I mean, any kind of formal -- let  
18 me go back. Was someone else hired for that position?

19 MR. MORRELL: I believe we have filled the  
20 master positions on what we refer to as Hull 496.

21 MS. BELL: And do you know if there's some  
22 type of appeals process that, if he was not hired and  
23 he was not happy about that, that he might appeal that?  
24 Or is there a process for that?

25 MR. MORRELL: I don't know for sure but

1 perhaps there may be.

2 MS. BELL: Okay.

3 MR. [REDACTED] Coast Guard.

4 So going back to that master hiring interview, maybe I  
5 missed something in the names that you mentioned who  
6 was in the group, but who was the -- you were hiring  
7 for the master's position which is a deck position, is  
8 a nautical position. Who is the nautical expert in the  
9 selection process of that master?

10 MR. MORRELL: In that group, I would have to  
11 say it was Phil Greene because he was, although not on  
12 merchant vessels, but he was captain of several navy  
13 service components and had nautical and captain, master  
14 role. He was in a leadership role in the Deck  
15 department.

16 MR. [REDACTED] Okay. Are there, in your  
17 opinion, are naval operations different from maritime,  
18 merchant marine operations?

19 MR. MORRELL: Well, to a certain degree but,  
20 in my background, I would say it's fundamentally,  
21 navigating is similar. I mean, getting underway, rules  
22 of the road, those sorts of things would be similar.  
23 But, of course, the mission is different.

24 MR. [REDACTED] Thank you.

25 MR. STITH: Kevin Stith, TOTE Services.

1 (phonetic) Mick Kondracki, does he also have maritime  
2 nautical experience?

3 MR. MORRELL: I believe Mick Kondracki is an  
4 engineer.

5 MR. STITH: Okay.

6 MR. MORRELL: But, yes, he has maritime  
7 experience.

8 MR. [REDACTED] U.S. Coast Guard. So  
9 with Captain Davidson being told that he wasn't  
10 selected for the position on the new vessel, what would  
11 his future with the company have been at that point?  
12 What would he be looking at for future employment?

13 MR. MORRELL: We would still retain the  
14 sister -- well, there was the sister vessel, El Yunque,  
15 which were trying to engage in other trades or charter  
16 opportunities. And he would, could sail over there.  
17 That was the thinking.

18 MR. [REDACTED] Thank you.

19 MR. ROTH-ROFFY: Sorry, regarding El Yunque,  
20 what was the --

21 MR. MORRELL: Tom Roth-Roffy?

22 MR. ROTH-ROFFY: Tom Roth-Roffy, NTSB. I  
23 apologize. The intended future operating environment  
24 for El Yunque, you said you were trying to find  
25 someplace for it. What were you looking to do with El

1 Yunque?

2 MR. MORRELL: We had, I'm aware of one  
3 inquiry to charter the vessel to run certain cargos to,  
4 around the Caribbean and, or in other islands  
5 specifically.

6 MR. ROTH-ROFFY: And you were in discussion  
7 to advance the response to that inquiry? Do you think  
8 the company --

9 MR. MORRELL: I was not present for those  
10 but, yes, the charters came and were very impressed  
11 with the vessel and it's something that they thought  
12 they could use.

13 MR. ROTH-ROFFY: And if those other  
14 opportunities did not arise, what was the intention  
15 with El Yunque? Lay-off or scrapping or?

16 MR. MORRELL: Both.

17 MR. ROTH-ROFFY: Either or both? And what  
18 would be --

19 MR. MORRELL: What we --

20 MR. ROTH-ROFFY: I'm sorry, what would be  
21 the timeframe for that decision?

22 MR. MORRELL: I'd say late February or March  
23 of 2016.

24 MR. ROTH-ROFFY: Okay, thank you. That's  
25 all I have.

1 MR. YOUNG: Brian Young with the NTSB. How  
2 about the long-term plan for the El Faro? What was the  
3 projected future of that ship?

4 MR. MORRELL: The El Faro was scheduled to  
5 go to dry dock in (inaudible) on November 6th and to  
6 complete some minor modifications to return her to the  
7 Alaska trade by turning her back into a pure RO/RO  
8 vessel that was commonly used by Totem Ocean Trailer  
9 Express in the Alaskan trade.

10 MR. YOUNG: And was there a long-term  
11 projection as to how long that operation would have  
12 continued?

13 MR. MORRELL: The vessel was to go to Alaska  
14 and she would be deployed there for at least two years.  
15 And she would backfill for each one of the worker class  
16 vessels as it went through its dual fuel conversion  
17 yard period.

18 There was some expectation that the vessel  
19 would enter into the trade on a more regular basis  
20 based on some discussions with people in the oil and  
21 gas industry for future development of the North Sea --  
22 it's not into the North Sea but in the Beaufort Sea  
23 where Shell Oil is doing some work there and they're  
24 very good platforms for taking heavy equipment and  
25 other supplies to Alaska.

1                   And then, as the market would grow, she,  
2                   there were some opportunities for her to be used for  
3                   certain oversized (inaudible) railroad type cars. That  
4                   was the hope that was sort of the marketing strategy  
5                   for the vessel after she came off of the relief  
6                   mission.

7                   MR. YOUNG: And was there any consideration  
8                   to continue with Captain Davidson's appointment aboard  
9                   the El Faro?

10                  MR. MORRELL: I do not believe in the master  
11                  role, but there was certainly opportunity for him. He  
12                  could sail on the vessel, say, possibly as Chief Mate  
13                  or 2nd Mate.

14                  But the Alaska trade, as I mentioned  
15                  earlier, is uniquely different and the owner, the  
16                  president of TOTE Maritime Alaska wanted an experienced  
17                  Alaska trade master on the ship.

18                  MR. YOUNG: Thank you.

19                  MS. BELL: Carrie Bell, NTSB. Would you  
20                  say, with the changes to these vessels, the scrapping  
21                  the dry dock and other new vessels coming in that there  
22                  was concern among employees for employment in the next  
23                  few months or a year?

24                  MR. MORRELL: I don't know. I didn't have  
25                  those communications with them.

1 MS. BELL: No one from management reported  
2 any kind of concerns with that team?

3 MR. MORRELL: I don't believe it was a  
4 concern, no. Nobody, certainly came to me with a  
5 concern that we're -- I mean, your question is that  
6 they, the concern that they won't be employed?

7 MS. BELL: Correct.

8 MR. MORRELL: No.

9 MS. BELL: Thank you.

10 MR. KUCHARSKI: Mr. Morrell, this is Mike  
11 Kucharski. Along the lines of evaluations and decision  
12 making is in personnel. Are you involved with the  
13 decision making of who are the permanent masters on the  
14 vessels?

15 MR. MORRELL: Well, I was -- are you talking  
16 specifically the new building vessels or?

17 MR. KUCHARSKI: All the vessels. The  
18 vessels that you had under your purview for  
19 engineering.

20 MR. MORRELL: Yes, I'm not, I have not been  
21 involved in all the decisions because when I joined  
22 TOTE there were several people in masters roles that  
23 are still there today.

24 And in 2012, when we were asked to look  
25 after the SeaStar line of vessels, they were putting



1 masters in place then, and so I was not involved in  
2 those decisions. There was a couple of new masters  
3 that came on, and I was not involved in that decision  
4 either.

5 I've just been primarily involved in the  
6 selection as a group, and as a group exercise, of the  
7 leadership positions for our LNG vessels that were  
8 under construction.

9 MR. KUCHARSKI: Great, thank you. That was  
10 a great answer.

11 MR. [REDACTED] Kevin [REDACTED] Coast Guard.  
12 How do you continuously assess the competency of your  
13 senior officers?

14 MR. MORRELL: There is a -- in part of our  
15 program there is an evaluation sheet with, containing a  
16 series of questions. And they're assessed based on --  
17 I'm not very familiar with the forms because I have not  
18 done the evaluations, but I've seen them.

19 And briefly, that there's a series of  
20 questions relating to roles and tasks and do they meet  
21 those objectives? And are they successful, who needs  
22 improvement or such. But there's fine questions on the  
23 evaluation sheet.

24 MR. [REDACTED] Do you recall if the senior  
25 officer's assessment is, for the key leadership

1 positions they hold, is that different from the rest of  
2 the vessel personnel?

3 MR. MORRELL: I don't know. I think the  
4 chief engineer and the masters -- there might be some,  
5 but I can't comment. I don't know. I don't do them so  
6 I'm not a hundred percent familiar with the form.

7 MR. [REDACTED] Have you seen all of their  
8 assessments? All the senior officers' assessments?

9 MR. MORRELL: I would say I did not see all  
10 of them, no.

11 MR. [REDACTED] So is there another way that  
12 you know that they're continually competent to do their  
13 job?

14 MR. MORRELL: Well, we meet with them and we  
15 see the overall general condition of the vessel from a  
16 maintenance and repair perspective and if it's meeting  
17 all the class requirements and Coast Guard inspection  
18 requirements and deficiencies and of which we have  
19 none.

20 Those are how we evaluate the ship and how  
21 it's managed and run, and from the load and discharge  
22 operation and securement of cargo.

23 MR. [REDACTED] Do you ever evaluate  
24 specifically how the master performed in adverse  
25 weather conditions?

1 MR. MORRELL: I don't know.

2 MR. [REDACTED] Thank you.

3 MR. KUCHARSKI: This is Mike Kucharski. So  
4 there's an evaluation performed by some people and  
5 you're not exactly sure who do the evaluations?

6 MR. MORRELL: No, the port engineer does the  
7 evaluations.

8 MR. KUCHARSKI: The port engineer? Anyone  
9 else do the evaluations?

10 MR. MORRELL: I'm not a hundred percent  
11 certain but maybe Jim has some involvement in that.  
12 But I'm --

13 MR. KUCHARSKI: So the port engineer is the  
14 engineer, if I understand this correctly, would  
15 evaluate the master on how they handle the vessel or  
16 weather-related issues?

17 MR. MORRELL: Based on the criteria in the  
18 evaluation form.

19 MR. KUCHARSKI: So who has the final  
20 authority, then, to say that this is the person that's  
21 master, besides Phil Greene? Is there someone between  
22 the port engineers -- or above the port engineers who  
23 report --

24 MR. MORRELL: Yes, it would go from port  
25 engineer to Jim Fitzgrandeson (phonetic) to myself to

1 Phil and to Mick Kondracki. That would be the -- it  
2 would go up that way for --

3 MR. KUCHARSKI: So is it -- was it a  
4 unanimous decision for everyone to approve?

5 MR. MORRELL: I don't know.

6 MR. KUCHARSKI: And --

7 MR. MORRELL: Well, it's a consensus. I  
8 don't know if it's unanimous but it's a consensus.

9 MR. KUCHARSKI: A consensus? So is it  
10 basically majority or --

11 MR. MORRELL: Yes.

12 MR. KUCHARSKI: By majority?

13 MR. MORRELL: Yes.

14 MR. KUCHARSKI: Would you say that Mick  
15 Kondracki is the person that could answer those  
16 questions for us? Or who would?

17 MR. MORRELL: He -- I think maybe Mick can  
18 answer how that's actually --

19 MR. KUCHARSKI: Thank you.

20 MR. YOUNG: Brian Young with NTSB. This may  
21 have been asked but just for clarification, is the  
22 ability to maintain on-time schedule part of the  
23 evaluation?

24 MR. MORRELL: No.

25 MR. YOUNG: Okay.

1 MR. [REDACTED] Coast Guard.

2 Your -- I just want to touch on that for just a second.

3 I don't know if we have that as a topic area for our --

4 MR. MORRELL: What's that?

5 MR. [REDACTED] The mission.

6 MR. MORRELL: I'm sorry?

7 MR. [REDACTED] The company mission.

8 MR. MORRELL: I'd like to hold that off  
9 until the end of general questions, [REDACTED] for the  
10 mission.

11 MR. KUCHARSKI: You stated earlier that you  
12 had some knowledge of AMOS?

13 MR. MORRELL: Yes.

14 MR. KUCHARSKI: And is that a plan  
15 maintenance system?

16 MR. MORRELL: Yes.

17 MR. KUCHARSKI: Is there a list of critical  
18 equipment on AMOS?

19 MR. MORRELL: We have critical spare parts  
20 that we meet, have to meet for class standards and for  
21 company standards.

22 MR. KUCHARSKI: Critical spare parts? Is  
23 there any list in AMOS or anywhere else for equipment  
24 that's considered critical equipment?

25 MR. MORRELL: I believe there's a

1 designation in AMOS to define if it's critical but I'm  
2 not absolutely sure.

3 MR. KUCHARSKI: Anything along the AMOS  
4 line, anyone?

5 MR. [REDACTED] Is there -- [REDACTED] Coast  
6 Guard. Is equipment identified by priority in AMOS?  
7 Or is it already --

8 MR. MORRELL: No, there's a number, a  
9 hierarchy sequencing number that they use to build up  
10 the database.

11 MR. [REDACTED] And does that establish the  
12 priority of the equipment as far as its importance to  
13 the operation?

14 MR. MORRELL: I do not believe so.

15 MR. [REDACTED] Okay. Thank you.

16 MR. YOUNG: Brian Young with NTSB. How does  
17 your company monitor the AMOS system in terms of parts  
18 ordered and maintenance performance?

19 MR. MORRELL: Well, the chief engineer or  
20 the mate, the First Engineer, they and other deck  
21 officers create requisitions, and they're exported by  
22 satellite to the office. They come in to the, each  
23 ship has its own site, so there's an El Faro site and  
24 an El Yunque site and other vessel sites.

25 And the responsible port engineer sees those

1 new requisitions and goes through them and sends them  
2 to, approves them all -- we approve all of them -- and  
3 they're sent to purchasing for quotation and pricing. a  
4 And then they're approved for purchase.

5 On the maintenance side, we have to plan the  
6 maintenance system according to the rules. And there's  
7 called rounds where the 1st Engineer's mate will get to  
8 go to AMOS to print out the daily rounds to check the  
9 belts on the air compressor or the backlash on the  
10 gear.

11 It will give you the list of required parts  
12 and seals and items that's needed to do that,  
13 preventative maintenance items. And then they come  
14 back and they enter into the database what work they  
15 had done. The system tells you what parts you need to  
16 reorder.

17 When we have class surveys and annual  
18 inspections with Coast Guard and from ABS a surveyor  
19 will (inaudible) of our computer on the ship and he  
20 will random sample and go through the plan maintenance  
21 scheme and see that it's been done on time and what's  
22 been entered into the maintenance history and the like  
23 as part of our certification process.

24 MR. YOUNG: And is there any oversight from  
25 the company as to the completion of maintenance items?

1 If any maintenance items were not being completed, how  
2 would the company know that?

3 MR. MORRELL: Well, I mean, the chief  
4 engineer would report them to the port engineer, and  
5 the port engineer would report or it would come to Jim  
6 and I. But any repair items were followed through or  
7 they're, if they're prioritized the chief engineer or  
8 the 2nd, 1st Engineer will put it on a work list to be  
9 done at a what we call a Roll/Over or within the yard  
10 period. If it's something to be done before sailing  
11 that's always done.

12 MR. YOUNG: If the chief engineer requested  
13 to defer some maintenance and postpone it, does he have  
14 the authority to do that in the AMOS system?

15 MR. MORRELL: I do not believe so. He might  
16 make a note in the maintenance history that, to be  
17 checked, inspected at dry dock, for example. That's  
18 possible he could do that.

19 MR. YOUNG: Okay. And when the ship or crew  
20 reports maintenance in the AMOS system, they typically  
21 follow the directives of the system as to performing  
22 maintenance. Aren't they required to enter unscheduled  
23 maintenance into the AMOS system?

24 MR. MORRELL: Required? I don't know  
25 they're required or not, but I think if they do



1 something, maintain, they should enter that. I don't  
2 know if it's required or not. I can't answer that,  
3 but.

4 MR. YOUNG: Do you know if there would be  
5 any record of any unscheduled maintenance in any other  
6 location other than AMOS?

7 MR. MORRELL: There might be -- a chief  
8 engineer would probably have a running list of items.

9 MR. YOUNG: And does that ever funnel into  
10 your attention or the company's attention?

11 MR. MORRELL: Generally not to my attention  
12 but there would be a discussion, work list that the  
13 port engineer would have with the chief engineer and  
14 the mate on these items in development of a dry dock  
15 specification or work list for the yard -- or, I'm  
16 sorry, contractors to perform.

17 MR. YOUNG: Thank you.

18 MR. SHEPHERD: Al Shepherd with ABS. So  
19 regarding the, if there were overdue or past due items  
20 that were due for maintenance but they weren't getting  
21 done, okay? How would expect that -- what would be the  
22 normal practice for discovering those were past due  
23 items that hadn't been done?

24 MR. MORRELL: Were they, I mean, surveyable  
25 items or just --

1 MR. SHEPHERD: Well, let's say you have any  
2 item in AMOS that's scheduled for maintenance --

3 MR. MORRELL: Right.

4 MR. SHEPHERD: -- and the chief, for  
5 whatever reason, decided he wasn't going to do it that  
6 time, so now it's past due. If it continues to be past  
7 due how would you normally -- what would you expect  
8 within the company to ascertain that there some past  
9 due items or an item that may be past due for  
10 maintenance?

11 MR. MORRELL: Well, I'm not aware of any  
12 past due items.

13 MR. SHEPHERD: Well, I'm not asking you --  
14 I'm just asking procedurally.

15 MR. MORRELL: Procedurally?

16 MR. SHEPHERD: I'm not saying you had any  
17 past due.

18 MR. MORRELL: No, I know. I'm just saying  
19 there's no reason for the chief engineer not to do, to  
20 postpone or do planned maintenance. So I don't know  
21 what mechanism. It might show up if you run an AMOS  
22 report that something is overdue.

23 MR. SHEPHERD: Okay, so who would run that  
24 AMOS report?

25 MR. MORRELL: That would be, well a chief

1 engineer normally, he normally runs it onboard and  
2 discusses it with the port engineer.

3 MR. SHEPHERD: Okay, what's the next level?  
4 If the chief runs the report and he sees on AMOS that  
5 something's past due -- and he knows it's past due  
6 because he's selected not to do it --

7 MR. MORRELL: Right.

8 MR. SHEPHERD: -- for whatever reason,  
9 what's the next level?

10 MR. MORRELL: Well, he would discuss it with  
11 the port engineer and they would collectively agree on  
12 what's necessary to get and why is it being postponed  
13 or what's the thinking, the rationale behind not doing  
14 it.

15 MR. SHEPHERD: What I'm trying to do is, is  
16 there a link within the company? The chief did not  
17 discuss it with the port engineer. Is there a means  
18 that someone in the company's going to catch that and  
19 say, hey, chief, I noticed you're past due on some  
20 items here?

21 Would someone in the company catch that and  
22 say, would the port engineer or even Jim, in his  
23 position, would it be up to them to say, hey, chief, we  
24 noticed that you're past due on come items here.  
25 What's going on?

1 MR. MORRELL: I think that would be  
2 discussed weekly because the vessels report weekly and  
3 the chief engineer and the port engineer meet together.  
4 And if Jim's in town he goes and discussed those items  
5 as well.

6 MR. SHEPHERD: Okay, so let me just -- let  
7 me understand. So there is a mechanism or an  
8 expectation within the company that someone within  
9 Jim's group or with Jim himself directly or port  
10 engineers are going to be checking AMOS to see if there  
11 are things past due, when they go on the ship they will  
12 be discussing the --

13 MR. MORRELL: I think that would belong to  
14 the port engineer.

15 MR. SHEPHERD: Okay, thank you. Sorry to  
16 belabor that. I was just --

17 MR. MORRELL: No, no, no. That's fine.

18 MR. [REDACTED] with the Coast Guard.  
19 Is there any reports generated from AMOS that come up  
20 to your level, that you see, like a weekly or monthly,  
21 quarterly or anything like that that you guys, at your  
22 level, expect to see come to your office for review?

23 MR. MORRELL: I do not receive those, no.  
24 If there is some concern it would be communicated to me  
25 though.

1                   MR. [REDACTED]   Okay.   But as far as like  
2   expecting a weekly, monthly quarterly report or any  
3   reports that are generated just for spot checking or  
4   review?

5                   MR. MORRELL:   Again, that's done at the port  
6   engineer level with the chief and the First, and  
7   they're managing those.   And if it's some concern then  
8   it would be elevated to Jim and I.   But the port  
9   engineers are connected with those vessels very closely  
10   and monitoring everything and are familiar with the  
11   maintenance on each system that it needs to be done.

12                   And they arrange the surveys with the class  
13   and inspection with the Coast Guard.

14                   MR. [REDACTED]   I understand they're on there all  
15   the time looking at stuff.

16                   MR. MORRELL:   Yes.

17                   MR. [REDACTED]   Is there still, from management's  
18   expectation, for them to do like a noon on Friday pull  
19   the report and look at anything that's coming up over  
20   the horizon?

21                   MR. MORRELL:   I think they -- I don't know  
22   if it's an expectation but I'm fairly comfortable that  
23   they, the port engineers, do look at that and  
24   coordinate.   And that's how the requisitioning process  
25   is done.   I mean, the chief engineer will see that he

1 needs to perform a certain maintenance task and he  
2 might be short on a couple of, a seal or a gasket or  
3 some hardware. And he would requisition that material.

4 MR. [REDACTED] So no level in the company is  
5 expecting a report process or at a certain on a certain  
6 day that a report's going to be pulled and reviewed for  
7 --

8 MR. MORRELL: Not unless it's something  
9 urgent or concerning. I do see, I'm for -- I do work  
10 with the port engineer when we put together the dry  
11 dock list to make sure that we have all the items in  
12 there that's in for the week. We have to report in  
13 (inaudible) materials to accomplish those items, which  
14 is a list provided by the vessel to the port engineer.

15 These are the tasks that they like to do  
16 during the yard period.

17 MR. [REDACTED] Thank you.

18 MR. KUCHARSKI: Mr. Morrell, Mike Kucharski.  
19 Is any of the bridge equipment captured by AMOS?

20 MR. MORRELL: I'm not certain.

21 MR. KUCHARSKI: But you mentioned sampling.  
22 They'll look at a computer, they'll look at a report to  
23 see if things were done. Are you aware of any sampling  
24 or spot checking to see, physically, that the work has  
25 been done, that it says they have done it on the

1 computer?

2 MR. MORRELL: Well, when we have our annual  
3 surveys or annual inspections with ABS they will  
4 verify. I believe that's part of the task of the  
5 surveyors to validate that the work that they've  
6 entered into the maintenance history has actually been  
7 done.

8 They do a survey of, you know, they're doing  
9 an annual survey of the engine room and equipment  
10 operational performance and they can see whether the  
11 air compressor's been serviced or the northern  
12 (inaudible)'s been maintained or whatever the case may  
13 be.

14 And they go random sample to validate. But  
15 I think they do a -- not being an ABSer here, but I've  
16 been on plenty of surveys where they've done a detailed  
17 survey of the engine room and the equipment in general  
18 view.

19 And then they will sit down afterwards and  
20 go through the maintenance history.

21 MR. KUCHARSKI: As part of the internal  
22 audits that are done in your company, are you aware of  
23 any sampling of the work being done besides looking at  
24 a computer?

25 MR. MORRELL: I'm not aware of that, no.

1 MR. KUCHARSKI: Anymore questions on AMOS or  
2 the? This is Mike Kucharski again, Mr. Morrell. The  
3 vessel was 40 years old, approximately 40 years old.

4 You're aware that the vessel was stretched  
5 or a midline section was put in? Are you aware of  
6 that?

7 MR. MORRELL: Yes.

8 MR. KUCHARSKI: Any concerns about that?

9 MR. MORRELL: No, the vessel is fully  
10 certified and in accordance with class requirements.  
11 She was recently dry-docked and there was no  
12 outstanding deficiency for the class and Coast Guard in  
13 attendance.

14 I've always considered the vessel to be very  
15 good structural condition.

16 MR. KUCHARSKI: Did you know that the vessel  
17 had two notations by class of reduced scafflings?

18 MR. MORRELL: Those, I'm somewhat familiar  
19 of that but my understanding of that is that was during  
20 the construction process. And I think there might have  
21 been another, what they call -- one of them was during  
22 the construction process for sure though.

23 The other one I'm not certain on that at  
24 this time.

25 MR. KUCHARSKI: Have you ever heard of the



1 term High Tensile Steel?

2 MR. MORRELL: Yes.

3 MR. KUCHARSKI: Have you ever heard of the  
4 term Mild Steel?

5 MR. MORRELL: Yes.

6 MR. KUCHARSKI: Do you know if this vessel's  
7 hull or main structural members were made of any high  
8 tensile steel?

9 MR. MORRELL: I can't -- I'm not certain.

10 MR. KUCHARSKI: Were you aware of any  
11 propulsion, hull, engine, navigation related problems  
12 that the El Faro or when it was Northern Lights, its  
13 previous name, had major type of -- major or minor.  
14 What were you -- were you aware of any, and if so, what  
15 were they, any type of problems the vessels have had?

16 MR. MORRELL: Historical problems?

17 MR. KUCHARSKI: Yes. Yes, sir, historical  
18 problems.

19 MR. MORRELL: I'm not aware of any  
20 historical failures on the vessel, no.

21 MR. KUCHARSKI: Any general questions now  
22 anybody would like to ask? Sorry, that was Mike  
23 Kucharski again.

24 MS. BELL: Carrie Bell with NTSB. So if a  
25 vessel is going to be late to deliver cargo is there

1 any kind of protocol for reporting that to management?

2 MR. MORRELL: The captain will send in a new  
3 report or an email that he's, for whatever reason, that  
4 he's delayed.

5 MS. BELL: And who does he send that to?

6 MR. MORRELL: Well that would go to the  
7 general TSI inbox as well as to SeaStar Line or TOTE  
8 Maritime, Puerto Rico.

9 MS. BELL: And how important would you say  
10 it is to deliver on time?

11 MR. MORRELL: I mean, we're running a  
12 business. It's, we like to be on time, but it's not  
13 the most important thing.

14 MS. BELL: And is it part of contractual  
15 requirements that you have with the cargo company, the  
16 commercial --

17 MR. MORRELL: I don't know. I'm not  
18 involved with commercial contracts.

19 MS. BELL: So you don't know if the  
20 company's, if you provide any kind of guarantee for on-  
21 time delivery or anything like that?

22 MR. MORRELL: I don't believe we do that,  
23 but I'm not involved in those contracts. I do not --  
24 I'm not involved in the commercial cargo contracts or  
25 the commitments they make to customers.

1 MS. BELL: So you -- but you are made aware  
2 if deliveries are not on time?

3 MR. MORRELL: The captain -- yes, they would  
4 send a report saying that for, you know, whatever the  
5 reason is, that they're not going to be on time.

6 MS. BELL: And do you follow up with those?

7 MR. MORRELL: We ask what -- you know, it's,  
8 usually they explain. They give an explanation of what  
9 it is. And so, like I'm more familiar with it in the  
10 Alaska trade where they run into some heavy headwinds,  
11 slowing us down a little bit, but that's it.

12 And then they explain that, and when we get  
13 there we get there and just we -- just mostly it's to  
14 notify the shore operations group to, when to order the  
15 stevedore gear and then -

16 (Whereupon, the above-entitled matter went  
17 off the record.)

18 (Begin Audio 16.10.14 - Phil Morrell - VP  
19 Marine Ops TOTE Part 2B.)

20 (Whereupon, the above-entitled matter  
21 resumed.)

22 MS. BELL: So what would you say is the most  
23 important aspect of the company, in terms of getting  
24 your business done?

25 MR. MORRELL: Safety.

1 MS. BELL: Thank you.

2 MR. [REDACTED] Coast Guard. I  
3 wanted to circle back to the mission statement of your  
4 company. Is that for, is the mission statement both  
5 for internal for your personnel and the external?

6 MR. MORRELL: Yes. Are you, is this a  
7 specific company?

8 MR. [REDACTED] Well I'm talking about TOTE  
9 Inc. or TOTE Maritime. Do they share the same mission  
10 statement?

11 MR. MORRELL: I don't know. I'm not 100  
12 percent familiar with TOTE Inc.'s mission statement.

13 MR. [REDACTED] Okay. How about TOTE  
14 Maritime, TOTE Services?

15 MR. MORRELL: Yes. Well I see TOTE  
16 Services. These mission statements are tweaked. When  
17 I was part of the senior team in Totem Ocean Trailer  
18 Express, we would tweak and change these mission  
19 statements constantly. So I'm exactly sure what the  
20 TOTE Maritime mission statement is.

21 MR. [REDACTED] Okay. So there's a TOTE Inc.  
22 mission statement. Would that cover your company's  
23 operations?

24 MR. MORRELL: I think at a high level but  
25 I'm not familiar with what it says.

1 MR. [REDACTED] Okay. So in the mission  
2 statement, it says regarding reliability, on time every  
3 time. What does that mean to you for operations?

4 MR. MORRELL: On time -- is that the entire  
5 mission statement?

6 MR. [REDACTED] Well I can put it in context.

7 MR. MORRELL: I think safety is in there  
8 too, isn't it?

9 MR. [REDACTED] Yes. The mission statement is  
10 broken down into we are resourceful. The leading  
11 bullet point is creative problem solving. And then  
12 there's some other, strong service, profitable. We are  
13 reliable, on time every time, protecting your cargo and  
14 our environment. Always perform with integrity, give  
15 back to the community. We are responsive, meaningful  
16 customer focused solutions.

17 Timely, accurate, seamless interactions.  
18 Safety oriented culture, think strategically, act  
19 tactically. Those are the major bullet points from  
20 your website. So could you talk a little bit about the  
21 on time, every time?

22 MR. MORRELL: Well I mean, that's a mission  
23 statement. But the goal is, you know, to be as best as  
24 we can under the circumstances. But by no means is it  
25 the bottom line requirement. The bottom line

1 requirement is safety, for the vessel to act in a safe  
2 manner. On time is nice but if we're not on time,  
3 we're not on time.

4 MR. [REDACTED] Okay. So the follow up to  
5 that is about risk. And how does TOTE identify risks?

6 MR. MORRELL: That's a broad category. I  
7 mean, we had talked about financial risks and they  
8 talked about environmental risks. I mean, they use --  
9 and you've talked about war time risks.

10 MR. [REDACTED] Navigation risks.

11 MR. MORRELL: Again, safety is the top line  
12 goal at the entire organization, from Saltchuk down.  
13 Safety is the top line goal. So the Master needs to  
14 avoid risk by navigating safely.

15 MR. [REDACTED] Okay. So how does the  
16 corporation manage those risks in the navigation realm?

17 MR. MORRELL: We have full confidence in our  
18 Masters that they, that they're given sufficient  
19 information. The Second Mate puts together the voyage  
20 plan, reviewed by the Chief Mate and signed off by the  
21 Captain.

22 MR. [REDACTED] And then just finally, in the  
23 risk department, you have numerous vessels under your  
24 umbrella in this particular inter-company I believe you  
25 called it. And then who manages the risks related to

1 navigation for all those vessels? Not the individual  
2 vessels.

3 MR. MORRELL: Again, we have resources to  
4 help manage that. In our Marine Services group, we  
5 have resources. Each vessel is -- the vessels are in  
6 differing trades and they have different risks. But  
7 primarily the Captain is the top, is the one who will -  
8 - for example, in the Alaska trade, they always start  
9 the day, they come and say they've looked at the  
10 weather. They know where the lows are, the highs are,  
11 and how they're going to plan the voyage.

12 So they communicate that just in passing  
13 when I'm out there, that they've looked at it, they've  
14 studied the weather forecast. They get the weather  
15 facts, the weather text. We subscribe to two  
16 electronic weather services so the Master has plenty of  
17 input. He's managing that risk based on the inputs  
18 that he is given.

19 MR. [REDACTED] So you say two weather  
20 services? Is that one for Alaska --

21 MR. MORRELL: No we have two just for Puerto  
22 Rican trade.

23 MR. [REDACTED] And who are they?

24 MR. MORRELL: I can't think of the names but  
25 we have two subscription services.

1 MR. [REDACTED] Okay. So just so I completely  
2 understand it, each vessel that's operating in your  
3 inter-company trade, the person that you say is  
4 managing the risk is the Master.

5 MR. MORRELL: Yes.

6 MR. [REDACTED] Is that correct?

7 MR. MORRELL: Yes.

8 MR. [REDACTED] And each vessel could be  
9 managing risks in entirely different strategy. Is that  
10 correct?

11 MR. MORRELL: No. The strategy is safety.  
12 The strategy is always, it's a common strategy which is  
13 safety.

14 MR. [REDACTED] So the Master of the El Yunque  
15 for example, on a particular voyage could take a  
16 different route based on weather, slow down, speed up.  
17 And then the El Faro could do something completely  
18 different. For example, continue on to San Juan,  
19 Puerto Rico. Would that be correct?

20 MR. MORRELL: Well because you're going in  
21 different directions so they might have different  
22 reason for taking a different course or different  
23 route.

24 MR. [REDACTED] But I'm saying under the same  
25 similar conditions. I'm not talking about they're



1 passing each other in a storm. But if the El Yunque  
2 had just departed and it was the ship that made the  
3 transit that the El Faro did, they could manage the  
4 risks of that tropical weather completely different.

5 MR. MORRELL: Well that's why they  
6 communicate with each other.

7 MR. [REDACTED] Okay. So they communicate  
8 with each other to manage risk but they don't  
9 communicate with the corporation.

10 MR. MORRELL: I'm not familiar with that.  
11 I'm not sure.

12 MR. [REDACTED] Okay. Thank you.

13 MR. [REDACTED] [REDACTED] So just to ping off  
14 of that a little bit, does anyone in upper management  
15 at any time take any consideration to a Master's  
16 decision to get a vessel underway in adverse weather  
17 conditions? Does anybody in upper management ever say,  
18 okay there's a hurricane here and we know we have  
19 traffic in that area?

20 At any time in your history with the  
21 company, has anybody ever, in upper management, looked  
22 at that from a risk perspective and taken consideration  
23 to a Master's decision to get a vessel underway in  
24 adverse conditions?

25 MR. MORRELL: Well I've only been involved

1 in this Puerto Rican for about three years so I'm not  
2 familiar with --

3 MR. [REDACTED] Company wide. With your history  
4 with the company, has anybody in upper management ever  
5 taken consideration to a Master's decision to get a  
6 vessel underway? Not just the Puerto Rican trade.  
7 That you're aware of, has anybody ever said -- you have  
8 a vessel getting underway from Seattle to Alaska,  
9 wherever, that said that's a decision that we need to  
10 think about and discuss it from a risk perspective. In  
11 the history of the company since you've been with it,  
12 has that ever happened?

13 MR. MORRELL: No. That's always been based  
14 on the Captain's decisions. And sometimes in the  
15 Alaska trade, we've actually held up sailing because of  
16 a front or low that's coming right through Puget Sound  
17 area where the Captain said, I'm not leaving until  
18 tomorrow morning. That's his discretion.

19 MR. [REDACTED] Okay.

20 MR. MORRELL: And we said that's fine.

21 MR. [REDACTED] So nobody in upper management has  
22 ever discussed it or influenced it or said, we need to  
23 think about this decision?

24 MR. MORRELL: Not that I'm aware of.

25 MR. [REDACTED] Okay. So changing gears a little

1 bit, what do you perceive your role in the safety  
2 management system to be?

3 MR. MORRELL: My role is to ensure that we  
4 act accordingly and we're prudent, act safe and do  
5 safe, you know, safety in all areas. So I mean --

6 MR. [REDACTED] Okay.

7 MR. MORRELL: I'm a big fan of safety. But  
8 you know, we hire licensed professional Master's,  
9 Master Mariners, with expertise in weather routing and  
10 navigation. I can't --

11 MR. [REDACTED] Do you have a specific -- when it  
12 comes to the management of the safety management system  
13 itself, do you have a role in that? (Inaudible) the  
14 DPA, and you had mentioned before that you, one of the  
15 particular individuals that work for you managed the  
16 safety management system. So do you take an active  
17 role in that management?

18 MR. MORRELL: I take a role as required.  
19 But I'm not certain I have -- I'm not the designated  
20 person of the port of contact.

21 MR. [REDACTED] Right. So does anything come  
22 across you or through your office as far as changes to  
23 the manual, the safety management manual, that you have  
24 to sign off on or approve?

25 MR. MORRELL: Yes I mean, if they create an

1 update.

2 MR. [REDACTED] Okay.

3 MR. MORRELL: I would used to, I don't see  
4 them now lately. But I would get a copy that I've  
5 received it and we've put it in our safety management  
6 manual or manuals.

7 MR. [REDACTED] So have you ever participated in  
8 internal or external audits on the giving or receiving  
9 end of that? Do you participate? Internal audits from  
10 the DPA, did they ever come and done an audit on your  
11 office?

12 MR. MORRELL: Yes.

13 MR. [REDACTED] Okay. And external audits also?

14 MR. MORRELL: Well they were internal audits  
15 that we had, that were performed mostly when I'm in the  
16 Tacoma office.

17 MR. [REDACTED] Okay. Were the results of those  
18 audits discussed with you? Was there any non-  
19 conformity that you know of?

20 MR. MORRELL: There is no non-conformities  
21 but I think they called them findings. What does  
22 another --

23 MR. [REDACTED] Observations?

24 MR. MORRELL: Observations, yes.

25 MR. [REDACTED] Do you recall what those

1 observations were?

2 MR. MORRELL: I think some of them were  
3 maybe, they were primarily administrative. Or actually  
4 they, what was common when we had the internal audits  
5 is that the designated person would find that he had  
6 something inconsistent in his own documentation that  
7 we'd have to correct. That's what I'm mostly familiar  
8 with.

9 MR. [REDACTED] And just real quick, can you  
10 discuss your company's safety incentive program with  
11 us?

12 MR. MORRELL: We don't have a safety  
13 incentive program. I mean, we're incentivized for  
14 safety. We just promote safety, we have safety  
15 budgets. We have money in line items that we promote  
16 and buy safety equipment, safety gear, safety training.  
17 But there's no monetary safety incentive program that,  
18 you know -- we've found actually, there's a consultant  
19 that works for Anthony Chiarello.

20 Those programs tend to not be the best  
21 programs because people hide things if you're  
22 incentivized. You're not going to report an accident  
23 or an injury or something because you want to get the  
24 bonus or you want to get the jacket or the t-shirt. So  
25 even OSHA don't approve of, support incentivized safety

1 programs.

2 MR. [REDACTED] Thank you, I'm good.

3 MR. [REDACTED] [REDACTED] with the Coast  
4 Guard. Sir, with regard to the Master decisions to not  
5 sail, as an example you mentioned up in the Pacific  
6 Northwest.

7 MR. MORRELL: Right.

8 MR. [REDACTED] Or the new recourse where they  
9 indicate that they're going to be late. What's the  
10 typical company's responses to those types of  
11 communications?

12 MR. MORRELL: I mean, the response is that  
13 we're -- I'm the one who has to generally deliver those  
14 messages when I was in Tacoma to the president, that  
15 we're going to be late because of headwinds or we had  
16 to take a different route to go around a low outside  
17 there in the Gulf of Alaska. But it is, that's it.  
18 That's the end of discussion.

19 You know, mostly what would come to me would  
20 be please, you know, make sure we communicate that to  
21 the customer service department to notify the customers  
22 that the cargo would be, to schedule their pickups a  
23 little bit later in the day. But that's it, that's the  
24 way it is. We're not going to be on time today.

25 MR. [REDACTED] Okay. And just a similar

1 question, so there have been examples where the Masters  
2 have said, hey I'm going to be late and here's the  
3 reason why. And I think you've answered this question,  
4 but just to be clear, have there been any just  
5 discussions with the Master, hey are you watching this  
6 storm? Are you considering delaying? Just any  
7 communications that direction, not directing them to  
8 wait but just, hey are you watching this?

9 MR. MORRELL: I guess I didn't understand  
10 the question.

11 MR. [REDACTED] Have there been communications  
12 from management to any of the vessel Masters, in your  
13 experience, just asking them what they're considering  
14 regarding, and if they're considering a delay?

15 MR. MORRELL: Can you repeat the question  
16 one more time? Sorry.

17 MR. [REDACTED] So just, have there been  
18 communications, in your experience --

19 MR. MORRELL: Right.

20 MR. [REDACTED] -- from management, at any  
21 level of management shoreside, to the vessel Masters  
22 just asking them if they're considering the weather?  
23 If they're considering delays, if they're considering  
24 an alternate route due to weather or that type of  
25 situation?

1 MR. MORRELL: I'm not familiar with any  
2 written communications. You know, since we're in port  
3 every week and we see these people all the time, it's  
4 usually discussed at lunch on the Ponce (phonetic)  
5 vessels in here. Or in the Tacoma operations where  
6 it's an 18:00 cargo start and the ship arrives late in  
7 the afternoon, there would be a conversation.

8 You know, how's the -- generally speaking,  
9 the Captain would say, if he has concerns about the  
10 weather, says I've looked at the weather, it's good.  
11 Or there's a front, I'm going to hit it hard, I'm going  
12 to go full speed for the first 24 hours. So don't get  
13 upset when you see something like that. So I don't  
14 care, just you know, that he tells me sort of his  
15 voyage plan, that he's looked at it how's he going to  
16 go.

17 MR. [REDACTED] Okay.

18 MR. MORRELL: But you know, if the Captain  
19 won't communicate his intentions of how he's going to  
20 manage the situation -- but I've only been dealt with  
21 it in a verbal situation. I've never told a Captain  
22 what to do or how to manage his ship.

23 MR. [REDACTED] Okay. Perfect, thank you.

24 MR. MORRELL: Could I take a restroom break?

25 MR. KUCHARSKI: Sure, take a quick break.



1 It's now 11:45.

2 (End Audio 16.10.14 - Phil Morrell - VP  
3 Marine Ops TOTE Part 2B.)

4 (Whereupon, the above-entitled matter went  
5 off the record at 11:45 a.m. and resumed at 12:00 p.m.)

6 (Begin Audio 16.10.14 - Phil Morrell - VP  
7 Marine Ops TOTE Part 3.)

8 MR. KUCHARSKI: The time is now 12, just  
9 about 12:00 noon and we're resuming the interview with  
10 Phil Morrell. Mr. Morrell, do your shipboard engineers  
11 fix or repair reefer units on board?

12 MR. MORRELL: Only if it's something, if  
13 they have -- I can only say in the Alaska trade which  
14 I'm very familiar with that they have minimum service  
15 kits onboard for certain types of equipment. But they  
16 try to troubleshoot and to repair. If they can't, then  
17 they don't.

18 MR. KUCHARSKI: How about on the El Faro,  
19 Puerto Rican trade?

20 MR. MORRELL: They do reefer rounds, record  
21 the temperatures and how things are cycling correctly.  
22 I don't think they -- if it's something they can adjust  
23 or fix themselves, they will. But otherwise, they just  
24 let the machine go.

25 MR. KUCHARSKI: Are you aware of any

1 compensation, just additional compensation, given to  
2 the Masters or Chief Engineers in addition to their  
3 regular salaries?

4 MR. MORRELL: At Sea Star Line Vessels?

5 MR. KUCHARSKI: At the TOTE Maritime  
6 vessels.

7 MR. MORRELL: There's no additional  
8 compensation for TOTE Puerto Rico officers. The Alaska  
9 trade have an incentive, a small bonus program for the  
10 Captain and Chief Engineer, Chief Mate, First Engineer  
11 on the Totem Ocean Trailer Express vessels only.

12 MR. KUCHARSKI: Are you aware of any, are  
13 you aware of the term job hazard analysis?

14 MR. MORRELL: Yes.

15 MR. KUCHARSKI: Okay. Is that a program  
16 TOTE subscribes to?

17 MR. MORRELL: Yes.

18 MR. KUCHARSKI: Are you aware of any JHA, if  
19 I can call it that.

20 MR. MORRELL: Yes.

21 MR. KUCHARSKI: That was done or that's done  
22 on weather? Particularly weather involving, you know,  
23 the ship going through weather.

24 MR. MORRELL: I'm not familiar. I don't  
25 know.

1 MR. KUCHARSKI: Were you ever audited  
2 externally while you were at TOTE? Externally, I mean  
3 by ABS, part of the SMS.

4 MR. MORRELL: Myself?

5 MR. KUCHARSKI: Yes yourself.

6 MR. MORRELL: (No audible response)

7 MR. KUCHARSKI: You've never been through,  
8 you've never been audited?

9 MR. MORRELL: I have not. Well the company,  
10 the office has, the ships have but I have never had  
11 anybody sit and ask me direct questions. No.

12 MR. KUCHARSKI: But other people in the  
13 office have?

14 MR. MORRELL: We've had external audits,  
15 yes.

16 MR. [REDACTED] Internal or external?

17 MR. MORRELL: Internal and external but I  
18 don't recall anybody asking, an outside --

19 MR. KUCHARSKI: That's okay. Please  
20 identify yourself. I would rather go around the room  
21 if we have questions on that.

22 MR. [REDACTED] But I'm just asking for  
23 clarification.

24 MR. KUCHARSKI: Your name please.

25 MR. [REDACTED] [REDACTED] Coast Guard.

1 MR. MORRELL: Yes?

2 MR. [REDACTED] You said internal and then you  
3 said external. So for which --

4 MR. MORRELL: Internal audit, when we've  
5 had, whether it's the designated person at TSI, TOTE  
6 Maritime do an internal audit. Yes, I've been audited  
7 by them. We've had external audits from ABS on the  
8 vessels but I have not been asked any direct questions  
9 in that audit.

10 MR. [REDACTED] Thank you.

11 MS. BELL: Carrie Bell, NTSB. You mentioned  
12 a small bonus program for the officers.

13 MR. MORRELL: Just for the Alaska trade.

14 MS. BELL: Just for the Alaska trade. And  
15 what does that, what are the factors that are involved  
16 in that bonus program?

17 MR. MORRELL: There's no written criteria  
18 and factors. It's more or less just -- it was  
19 something that was there before I joined TOTE which I  
20 just continued just for those people, the Masters,  
21 Chief Engineer, Chief Mate, First Engineer leadership  
22 role. Just a little extra token of the company's  
23 appreciation for all the great things that they do.

24 MS. BELL: So those are not tied to  
25 anything, any company profitability?

1 MR. MORRELL: No. And it's not like one  
2 ship over, if the Master has a better on time record  
3 than the other one or he burns less fuel, he gets more.  
4 Everybody, there's a certain, a couple thousand dollars  
5 for a Captain on each. Whether he's on time all the  
6 time or he has a lesser record, it does not matter.

7 MS. BELL: Okay.

8 MR. MORRELL: Again, it's called a bonus  
9 program but it's just a token of the owners and the  
10 former management at TOTE when they established this  
11 as, sort of just a thank you for doing all the great  
12 things they do.

13 MS. BELL: And that's --

14 MR. PETERSON: If I could just --

15 MS. BELL: Go ahead.

16 MR. PETERSON: This is Lee Peterson. Could  
17 we characterize this as a Christmas bonus basically?

18 MR. MORRELL: It could be a Christmas bonus.

19 MR. PETERSON: I mean, that's basically what  
20 it is.

21 MR. MORRELL: Yes. It comes out in March or  
22 April. But yes, it's a Christmas bonus.

23 MR. PETERSON: Same idea?

24 MR. MORRELL: Same idea. It's not much.  
25 Again, it's just, as leaders and the ones that we rely

1 on to manage safety in the vessels, that they're just a  
2 little extra thank you.

3 MS. BELL: Is there a reason that you only  
4 do that with the Alaska trade?

5 MR. MORRELL: I don't know specific reasons  
6 why they don't have it at Sea Star Lines. But the only  
7 reason I was made -- I asked that question when I first  
8 started looking, when I was first told that I would be  
9 looking after the vessel maintenance at Sea Star Lines.  
10 That they weren't, Sea Star Lines at that time was not  
11 profitable. And they said once it becomes profitable,  
12 they might do something. But until that such time,  
13 they were not profitable.

14 MS. BELL: And just one more clarification.  
15 You mentioned management at TOTE --

16 (End of Audio 16.10.14 - Phil Morrell - VP  
17 Marine Ops TOTE Part 3, Begin Audio 16.10.14 - Phil  
18 Morrell - VP Marine Ops TOTE Part 4.)

19 MR. MORRELL: I guess I'm trying to say  
20 that, you know, I guess amongst the general workforce,  
21 there's no incentive to -- like some programs, they're  
22 called incentivized safety programs where they give out  
23 jackets and t-shirts or baseball tickets or gift cards  
24 to Home Depot and things like that.

25 But yes, at Totem, at TOTE Inc. throughout

1 the Saltchuk organization, there is an incentive  
2 compensation program in which safety is, there's a  
3 safety component that the award is based on. So the  
4 company has certain safety objectives and safety goals.  
5 And based on the performance of those safety goals,  
6 there's certain -- yes, it's a company wide safety  
7 program, not individual.

8 MS. BELL: Okay. And can you give me an  
9 example of some of those objectives that you mentioned?

10 MR. MORRELL: Well a lot of it is based on  
11 lost time injury, or a recordable accident and lost  
12 time injury.

13 MS. BELL: So earlier you stated that you  
14 don't have an incentive program because you worry that  
15 they won't report things such as that.

16 MR. MORRELL: Well that's not mean  
17 generally, I'm just saying that's a position of a  
18 safety consultant and also the position, from what I  
19 understand, from OSHA. That they don't, that they  
20 frown or they don't support individual safety incentive  
21 like programs that, if you stay injury free for a whole  
22 year, we'll give you a \$100. Thinking that yes, every  
23 time I cut myself or hurt myself then I'm not going to  
24 report it because I want to get the \$100 which is,  
25 you're just fooling the safety program.

1 MS. BELL: Okay. I understand. So what is  
2 the percentage of the bonus that is tied to safety?

3 MR. MORRELL: I don't know. It's a  
4 component made up of different things and that is a  
5 component. It's a big part of it. I don't know the  
6 exact percentage of it.

7 MS. BELL: Thank you.

8 MR. SHEPHERD: I have a couple. Al  
9 Shepherd, ABS. There's a statement in your safety  
10 manual that talks about the safety meetings that you  
11 have ashore. And I'm going to read that statement  
12 please.

13 It says the primary purpose of the office  
14 safety committee is to review shipboard records and  
15 propose preventive action. So can you, just speaking  
16 to the safety culture of TOTE, can you recall any type  
17 of preventive actions that have been proposed coming  
18 out of any of these safety meetings?

19 MR. MORRELL: Well we encourage near misses.  
20 That's a big way to improve on your safety. A near  
21 miss being, you're walking down the stairs with boxes  
22 and you didn't have your hand on a railing and you  
23 slipped at the bottom, you could have fallen. So those  
24 are the kind of things that, you know, we encourage.  
25 Not a near miss like a collision at sea, but just the



1 simplest thing as a minor injury accident.

2 Like the steward slicing beef in the galley,  
3 just making sure that he's holding onto the sea rail  
4 when the vessel is at sea. You know, if he almost cut  
5 himself, the near miss would have been, should have  
6 been holding on to the sea rail when he was carving the  
7 roast beef, for example. I mean, to that degree.

8 MR. SHEPHERD: Right.

9 MR. MORRELL: Those things are communicated.

10 MR. SHEPHERD: Yes. So that's good. So TSI  
11 promotes near miss reporting.

12 MR. MORRELL: We very much report near miss  
13 reporting, to any extent.

14 MR. SHEPHERD: Right. So would something  
15 that goes along with that near miss reporting,  
16 promoting near miss reporting, is a no blame culture, a  
17 no fault culture. So would you say that's the kind of  
18 culture that's within TOTE?

19 MR. MORRELL: Yes. No blame. Otherwise you  
20 don't get them.

21 MR. SHEPHERD: Right. So how has TOTE been  
22 proactive in getting that message out? Do you see a  
23 significant number of near miss reports?

24 MR. MORRELL: You know, I don't know. I  
25 can't quantitate exactly how many we get but we get

1       them on a regular basis. And they're discussed at that  
2       safety meeting and they're shared, you know, what  
3       happened on the Gulfer State (phonetic) or the Fast  
4       Tempo, whatever the other vessels are in our portfolio  
5       of managed vessels. These near miss reports are shared  
6       with inter-company vessels that our management group,  
7       posh of people so everybody gets that exposure and  
8       cross referencing on things to be aware of and  
9       communicated.

10               MR. SHEPHERD:    Good. I have another  
11       question if you can give me just a second to find this.  
12       It's also from the safety management system. It refers  
13       to safety awards. If a ship goes two years without  
14       having had a lost time incident -- I thought I'd be  
15       able to put my hand right on there. Basically it's the  
16       ship is nominated for a reward.

17               MR. MORRELL:    Right.

18               MR. SHEPHERD:    So do you know of any cases  
19       within TOTE where ships have been nominated for the  
20       award?

21               MR. MORRELL:    Oh yes.

22               MR. SHEPHERD:    And you see --

23               MR. MORRELL:    I think you are referring to  
24       the Devlin award.

25               MR. SHEPHERD:    I am. Yes, thank you.

1 MR. MORRELL: Yes.

2 MR. SHEPHERD: That's it.

3 MR. MORRELL: I'm familiar with the Devlin  
4 Award.

5 MR. SHEPHERD: Good.

6 MR. MORRELL: We've received several Devlin  
7 Award certificates at TOTE.

8 MR. SHEPHERD: So --

9 MR. MORRELL: We display them in the office.

10 MR. SHEPHERD: And it's the award for the  
11 vessel, right?

12 MR. MORRELL: Yes.

13 MR. SHEPHERD: The vessel went two years  
14 without a lost time incident?

15 MR. MORRELL: Right and they're presented up  
16 in Washington D.C. at a Chamber shipping event.

17 MR. SHEPHERD: Do you know if the El Faro  
18 was a recipient of one of those awards?

19 MR. MORRELL: I'm not, I can't, I wouldn't  
20 be surprised if she was but I don't know for sure.

21 MR. SHEPHERD: Okay.

22 MR. MORRELL: I know that a number of our  
23 vessels have all won. We display the certificates in  
24 the office.

25 MR. SHEPHERD: Okay. Very good. Thank you.

1 MR. STITH: Kevin Stith with TOTE Services.  
2 Just to clarify with the Devlin Award, that's just a  
3 certificate. There's nothing else that goes along with  
4 it?

5 MR. MORRELL: Just a certificate.

6 MR. STITH: That's all. Very good.

7 MR. KUCHARSKI: Mike Kucharski. I'd just  
8 like to clear up little thing. I had asked you earlier  
9 about the safety, shoreside safety meetings. You said  
10 you occasionally participate in those when you can.

11 MR. MORRELL: Yes.

12 MR. KUCHARSKI: So how many would you say  
13 you've participated in since, in your role now as Vice  
14 President of Operations?

15 MR. MORRELL: I'd say not as many as I'd  
16 like but maybe two or three at the most.

17 MR. KUCHARSKI: During those two or three,  
18 you've heard of safety recommendations?

19 MR. MORRELL: Yes and I read the minutes.  
20 The minutes come out, we distribute the minutes. I  
21 always read the minutes. But a lot of the time I have,  
22 in my area of responsibility I have conflicting things  
23 going on whether it's on an airplane or some other  
24 thing. But I do read the minutes. I'm familiar with  
25 the discussion that goes on.

1 MR. KUCHARSKI: Do you recollect any time  
2 after you've read the minutes, you've gone back to the  
3 safety committee and said, well we should do something  
4 different?

5 MR. MORRELL: I've not done that but I have  
6 spoken to like, if something came up on one of the --  
7 like if I was in Tacoma, something came up on the  
8 midnights on the north shore, I talk to the Port  
9 Engineer about it, what happened. Or you know, good  
10 heads up on the near miss reporting.

11 MR. KUCHARSKI: Thank you. The situation  
12 you mentioned earlier about a vessel in Tacoma not  
13 sailing because of weather, you mentioned something  
14 about a front line coming across. Was that -- I'm  
15 sorry?

16 MR. MORRELL: No go ahead. I'm sorry. No  
17 go ahead.

18 MR. KUCHARSKI: Was that vessel in full  
19 operating status on the Tacoma schedule leaving the  
20 dock going up to --

21 MR. MORRELL: Yes. I mean, he delayed his  
22 sailing. He just delayed it four to six hours. He  
23 wanted something to go past in front. There's no sense  
24 in going out there and getting beat up. So he just, he  
25 saw the forecast, he saw where the lows and the

1 directions were coming. And he said, I'm just going to  
2 sit at the dock. I'm going to sail, instead of 0200,  
3 I'm going to sail at 0600 and let the weather pass and  
4 then go behind it.

5 MR. KUCHARSKI: And was it the weather  
6 passing right there at the dock or outside?

7 MR. MORRELL: No outside.

8 MR. KUCHARSKI: How long is the passage from  
9 dock to outside?

10 MR. MORRELL: It's about what, four hours,  
11 four and a half hours to PA, Port Angeles and then you  
12 take departure after that. So probably six, between  
13 five and six until you can really get outside, stick  
14 your nose into it.

15 MR. KUCHARSKI: About six hours from the  
16 dock until you finally get outside?

17 MR. MORRELL: Well I'd say somewhere between  
18 five and six. I mean, depending, where you say, we  
19 take departure at Port Angeles. So if something --  
20 actually that's going west navigation wise from Port  
21 Angeles. But you know, the Captain did a calculation  
22 on where he is and how fast the thing is moving and he  
23 said, I'm just going to stay here. We're just going to  
24 go to bed and I'll get up and set the tugs and pilots  
25 for 0500 to 0600 where off we go, no problem.

1 MR. KUCHARSKI: Thank you. Last questions  
2 before we close this down.

3 MR. SHEPHERD: Al Shepherd, ABS. We had an  
4 interview with the Second Assistant Engineer this week,  
5 earlier this week, Michael Brannan (phonetic). Thank  
6 you. He mentioned that his, he stays the 4:00 to 8:00  
7 watches as part of his position. But then he gets off,  
8 when he gets off of the 4:00 to 8:00 watch in the  
9 morning, he works from 8:00 to 12:00 as a, you know,  
10 performing vessel maintenance.

11 And it was also testified this last week  
12 that you have an extra third assistant onboard the El  
13 Faro plus an extra, an unlicensed person onboard.

14 MR. MORRELL: Reefer (inaudible).

15 MR. SHEPHERD: Right. So it was to my  
16 understanding that those extra persons either perform  
17 maintenance duties or they free up more senior watch  
18 standers so that they can perform, you know, they can  
19 be watching and then the more senior people perform the  
20 maintenance duties. Do you have -- this would come  
21 under your department.

22 Do you have any idea how many people you  
23 have onboard that are working hours beyond their watch  
24 schedule? Or how many hours a week, what have you,  
25 where people perform maintenance duties?

1 MR. MORRELL: Well you know, we're all  
2 governed by STCW regulations. And we record that and  
3 it's written down and reported.

4 MR. SHEPHERD: Right.

5 MR. MORRELL: So they do their standing  
6 watch and then put in a couple, four hours in  
7 maintenance and that's it.

8 MR. SHEPHERD: Yes. Do you find that you  
9 need to have this many -- first of all, do you have any  
10 -- I apologize, I'm being a bit scattered here. Do you  
11 have knowledge of how many people besides the Second  
12 Assistant that you have that works in addition to their  
13 eight hours of watch, that have other hours they work  
14 for maintenance?

15 MR. MORRELL: Well the First Engineer is a  
16 day worker for the most part.

17 MR. SHEPHERD: Did I say first? I'm sorry.  
18 I said first, I meant to say second. The second  
19 assistant, he said he works, I assume to say every day.

20 MR. MORRELL: Yes he works --

21 MR. SHEPHERD: Eight to twelve.

22 MR. MORRELL: Right.

23 MR. SHEPHERD: So that's four hours in  
24 addition to his eight hours of watch.

25 MR. MORRELL: Right.



1 MR. SHEPHERD: So besides him, are there  
2 other --

3 MR. MORRELL: We have two thirds.

4 MR. SHEPHERD: Okay. But what kind of hours  
5 do they work in addition to their eight hours of watch  
6 that they're actually --

7 MR. MORRELL: Well again, we're regulated by  
8 STCW. So the seconds and the thirds stand their watch  
9 and then they put in their two to four hours that is  
10 required on the items that they're responsible for.

11 (End of Audio 16.10.14 - Phil Morrell - VP  
12 Marine Ops TOTE Part 4, Begin Audio 16.10.14 - Phil  
13 Morrell - VP Marine Ops TOTE Part 5.)

14 MR. SHEPHERD: They have a eight hour watch  
15 obligation, right?

16 MR. MORRELL: Right.

17 MR. SHEPHERD: Or a (inaudible).

18 MR. MORRELL: Right.

19 MR. SHEPHERD: That's typical, that's their  
20 obligation, that's their contractual obligation I would  
21 think would be the best way to explain it. But then  
22 they have, they can work overtime, right? To perform  
23 ship's maintenance, the Second Assistant Engineer. But  
24 that's overtime, that's in addition to their  
25 contractual normal or normal contractual obligation.

1 Not that the contract, the contract may have  
2 an inclusion built in for performing maintenance. What  
3 I'm trying get to is that I'm trying to get a feel or  
4 sense of how many, how much maintenance time is being,  
5 how many man hours are being spent on vessel  
6 maintenance.

7 MR. MORRELL: I think it's what is required,  
8 again within the confines of the STCW standing watch  
9 rest hours. We're governed by that so they put in  
10 their standing watch and then they work those allowable  
11 hours. And that's all managed by the First and the  
12 Chief Engineer.

13 MR. SHEPHERD: Yes sir, I understand. And  
14 please, I'm not trying to be -- I understand what STCW  
15 does. Do you get the STCW or limitations on how much,  
16 they have to have a certain amount of hours of rest.

17 MR. MORRELL: Yes. There's so many hours,  
18 there's a certain defined rest period.

19 MR. SHEPHERD: Right. And I think those are  
20 77 hours a week.

21 MR. MORRELL: And I don't know the  
22 regulations off the top of my head.

23 MR. SHEPHERD: Right. My point being is  
24 there's a gap between the watch standing hours --

25 MR. MORRELL: Yes.

1                   MR. SHEPHERD:  -- and then the ceiling  
2                   that's established by STCW.  But there's still a gap  
3                   there or room there where a person, a seafarer could  
4                   spend time working overtime for a number of reasons,  
5                   maintenance would be one.  So what I was trying to get  
6                   some clarification on, actual maintenance is being  
7                   done.

8                   I mean, because it's overtime, I'm just  
9                   speculating that there would be something that your  
10                  department would try to track because --

11                 MR. MORRELL:  We do, we look at it.  But the  
12                 overtime hours, you just don't go to work and just rack  
13                 up overtime.  The Chief Mate manages that onboard, the  
14                 First and Chief Engineer.  You know, they give them  
15                 assigned duties but they're also cognizant of the  
16                 requirements.

17                 And if something needs to be done, they will  
18                 say I need you to work on overtime on, you know,  
19                 changing the impeller on this pump.  But it's just not  
20                 write your own paycheck type of an --

21                 MR. SHEPHERD:  Sure.  I've been on ships  
22                 where, you know, a person, a watch stander just stands  
23                 there on watch stander duties and then they're off.  
24                 And then if something breaks down and they need them  
25                 for a different thing, then they work overtime to do

1       what's needed.

2                       And then there are other ships where  
3       seafarers are expected or, you know, and paid obviously  
4       to work overtime because the needs are there to  
5       maintain the vessel. So the Second Assistant we talked  
6       to the other day, he mentioned that he works basically  
7       four hours a day, and if I understood it, seven days a  
8       week. So that's a set pattern he has.

9                       He has a set amount of responsibilities,  
10      maintenance duties that he takes care of. What I'm  
11      trying to get to is the rest of the group, the rest of  
12      the engineering crew. I know you have, understand you  
13      have an extra third and an extra (inaudible) unlicensed  
14      person onboard and they're doing similar things. Or  
15      they're watch standing so someone else can be freed up  
16      to do those things. So that's two more people that  
17      have at least eight hours a day on maintenance.

18                      MR. KUCHARSKI: Excuse me Al, could I ask  
19      you to bring a question directly out of all this?  
20      You've recited a bunch of things. Could you bring the  
21      direct question so we understand what it is?

22                      MR. SHEPHERD: Sure. What I'm trying to get  
23      at, what I was laying the groundwork for is, how much  
24      in man hours are spent, outside the normal (inaudible)  
25      say in a week's time or a month's time, are spent on

1 maintenance, scheduled maintenance?

2 MR. MORRELL: I can't answer that. I mean I  
3 know we do it but I don't know -- again, I don't have  
4 that number right in front of me. I can't tell you.

5 MR. SHEPHERD: It's something that you would  
6 track though? I mean, it's scheduled so it's planned.

7 MR. MORRELL: Yes it's planned but it's  
8 managed onboard by the First and the Chief. And then  
9 of course, we see it. You know, if something looks out  
10 of whack then we go and ask the Chief. But generally  
11 speaking, everything is, the overtime hours on the  
12 vessels are very consistent, they're within our  
13 expectation.

14 And you know, and to something that arises  
15 out of the occasion that needs extra time, they will do  
16 it. But it's basically a managed event onboard. You  
17 know, we see the overtime hours but there's generally  
18 no -- we just follow up with Chief what was going on  
19 here? And they would explain what they did and it's  
20 fine.

21 MR. SHEPHERD: And I'll try to wrap this up.  
22 Based on the ships that you have here --

23 MR. MORRELL: Yes.

24 MR. SHEPHERD: -- in the Puerto Rican run  
25 and the ships that you have in the Alaskan trade. Do

1 you have the same, do you think the maintenance hours  
2 are the same for both? So are they diesel ships?

3 MR. MORRELL: They're diesel electric  
4 vessels.

5 MR. SHEPHERD: Okay. So you think the  
6 maintenance level is the same? Or do you think that  
7 you have more maintenance being performed in the El  
8 Faro or the other one?

9 MR. MORRELL: No. I think they have more  
10 maintenance on the Alaskan.

11 MR. SHEPHERD: Because they're steam?

12 MR. MORRELL: We have more maintenance on  
13 the diesel vessels.

14 MR. SHEPHERD: Oh really? Okay. Good,  
15 thank you.

16 MR. [REDACTED] Coast Guard. Just a  
17 follow on to a question Mike asked you about the safety  
18 meeting participation and you said you review the  
19 minutes. Do you review or approve any best practice  
20 recommendations or corrective action based on those  
21 meetings? Or is that part of your responsibility to  
22 review or approve?

23 MR. MORRELL: Well I read the minutes. You  
24 know, and then if I have questions, I comment. But you  
25 know, approving best practices is generally done by the

1 group I think. From what I recall, it's not, I don't  
2 have --

3 MR. [REDACTED] So do you see follow up to --

4 MR. MORRELL: Yes, we see follow up. We see  
5 follow up.

6 MR. [REDACTED] And you review that but you don't  
7 approve anything as far as corrective action.

8 MR. MORRELL: No. I mean they're brought to  
9 the table as a corrective action and we implement a  
10 safety plan to improve lighting or clean and paint  
11 something safety related, on railings or something to  
12 that effect. But you can go out to the ship and you  
13 can, you know, see something that has been implemented  
14 as a result of the meetings.

15 MR. [REDACTED] Thank you.

16 MR. YOUNG: One last question. Brian Young  
17 from the NTSB. With Horizon Lines pulling out of the  
18 Puerto Rico trade, have you noticed an increase in  
19 cargo required to be carried by the El Faro or El  
20 Yunque?

21 MR. MORRELL: Well yes but we've added up to  
22 four barges to carry that along with --

23 MR. YOUNG: But are the ships required to  
24 carry more cargo than prior?

25 MR. MORRELL: Well the ships are sized that

1 they can only carry so many deadweight tons of cargo.  
2 And that's what, their payload is their payload. So  
3 the reason we chartered, brought in these barges is to  
4 carry the excess that we cannot carry, it's weight  
5 limited. So no, the vessels are carrying the regulated  
6 amount of tonnage in boxes that they can in still  
7 positions and that's it. And then the overflow goes to  
8 the barges.

9 MR. YOUNG: Were the ships carrying less  
10 cargo than max capacity prior to Horizon pulling out?

11 MR. MORRELL: I want to just say that very  
12 minor percentage to the -- the volumes have always been  
13 very high. So I want to say there's maybe, they're  
14 probably carrying two to three percent more cargo.

15 MR. YOUNG: Thank you.

16 MR. KUCHARSKI: I'd like to follow directly  
17 on that question. I don't want to jump in front of  
18 anybody but do you directly on that particular --  
19 [REDACTED] you do?

20 MR. [REDACTED] Yes.

21 MR. KUCHARSKI: Okay. Then keep it on that.  
22 Go ahead.

23 MR. [REDACTED] [REDACTED] Coast Guard.  
24 Related to cargo and Horizon Lines, can you tell me how  
25 long they've been weighing containers at the Port of



1 Jacksonville?

2 MR. MORRELL: I'm not in cargo operations.  
3 I don't manage cargo operations or the terminal. I  
4 don't know. That's not my area.

5 MR. [REDACTED] Related to that --

6 MR. KUCHARSKI: That's okay. This is Mike  
7 Kucharski. You say you brought on extra barges to  
8 handle that.

9 MR. MORRELL: Excess volume.

10 MR. KUCHARSKI: Would you say the barges  
11 operate slower than the ship does going down there?

12 MR. MORRELL: Oh yes.

13 MR. KUCHARSKI: Would you say there has been  
14 now, a shift to more high priority, time sensitive  
15 cargo put on the ships?

16 MR. MORRELL: I'm not aware of that. I  
17 mean, I think last week, we took some more reefer  
18 containers but that's about it.

19 MR. KUCHARSKI: Would you say reefer  
20 containers are generally more time sensitive getting  
21 them down there?

22 MR. MORRELL: Probably so.

23 MR. KUCHARSKI: Probably so. Okay.

24 MR. MORRELL: It's probably dairy or  
25 something. I don't know.

1 MR. KUCHARSKI: Thank you. Around the room,  
2 last shot.

3 MR. [REDACTED] [REDACTED] Just a follow  
4 up. While inter-company ships carry an extra third and  
5 an unlicensed personnel --

6 MR. MORRELL: Yes.

7 MR. [REDACTED] This is east and west coast?

8 MR. MORRELL: Yes. We have an extra third  
9 engineer on the Orca Class ships that's required above  
10 and beyond the safe manning requirements for the  
11 vessel.

12 MR. [REDACTED] Thank you.

13 MR. KUCHARSKI: Mike Kucharski. Are there  
14 extra mates?

15 MR. MORRELL: We have a port mate which, in  
16 Tacoma, every cargo night we have a port mate that's  
17 typically a mate that lives in the greater Puget Sound  
18 area that comes onboard and relieves and helps out with  
19 the operation.

20 MR. KUCHARSKI: Underway, is there an extra  
21 mate underway?

22 MR. MORRELL: No, sir.

23 MR. KUCHARSKI: Thank you. No further  
24 questions. Anything else? 12:28. Thank you so much  
25 for your patience. It's been grueling. Thank you.

1 And thank you for flying all the way here and then  
2 having to fly all the way back. Thank you.

3 (End of Audio 16.10.14 - Phil Morrell - VP  
4 Marine Ops TOTE Part 5.)

5 (Whereupon, the above-entitled matter went  
6 off the record at 12:28 p.m.)  
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C E R T I F I C A T E

MATTER: El Faro Incident  
Accident No. DCA16MM001  
Interview of Phil Morrell  
Jacksonville, Florida

DATE: 10-14-15

I hereby certify that the attached transcription of page 1 to 166 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



\_\_\_\_\_

**NEAL R. GROSS**

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NTSB RESPONSE (in **bold blue**) TO TABLE OF CORRECTIONS TO TRANSCRIPT OF INTERVIEW FOR PHIL MORRELL TAKEN ON OCTOBER 13,2015

Page Number	Line Number	Current Wording	<b>Suggested</b> Corrected Wording	<b>NTSB Response</b>
5	22	he	the	<b>AGREE</b>
8	16	Sun Worshiping	Sunmar Shipping	<b>AGREE</b>
9	7	Motion	Ocean	<b>AGREE</b>
10	20	a noted	an Owner's	<b>AGREE</b>
12	1	TOTE	TOTE Services, Inc.	<b>AGREE</b>
14	8	national	nautical	<b>Do not agree. Sounds like "international"</b>
20	7, 9, 12	Motion	Ocean	<b>AGREE</b>
20	19	2000	2013	<b>Do not agree. Transcript is correct as is.</b>
21	1	2000	2013	<b>Do not agree. Transcript is correct as is.</b>
42	7	--	call	<b>Do not agree. Transcript is correct as is.</b>
43	4	with	about	<b>Do not agree. Transcript is correct as is.</b>
45	16	Finstrip-Bush	Finsterbusch	<b>AGREE</b>
47	14	Phil	Bill	<b>AGREE</b>
47	14	Finstrip-Bush	Finsterbusch	<b>AGREE</b>
50	3, 9-10	Captain Stead	Captain Stith?	<b>AGREE</b>
53	19	Bush	Finsterbusch	<b>AGREE</b>
54	4	her port	her to port	<b>AGREE</b>
56	1	RRD8	RDA	<b>AGREE</b>
65	11	Sturage	Serridge	<b>AGREE</b>
66	9	Stipp	Stith	<b>AGREE</b>
66	14	track	trap	<b>AGREE</b>
75	13	components	combatants	<b>AGREE</b>
77	10	charters	charterers	<b>AGREE</b>
78	15	worker	Orca	<b>AGREE</b>
83	25	Fitzgrandeson	Fisker-Andersen	<b>AGREE</b>
85	8	Morrell	Kucharski	<b>AGREE</b>
95	11	Northern	?	<b>Sounds like "Oily water separator"</b>
96	5	midline	midbody	<b>AGREE</b>
96	15	constructural	structural	<b>AGREE</b>
96	17	scafflings	scantlings	<b>AGREE</b>
100	19	I'm exactly	I'm not exactly	<b>AGREE</b>
103	15	Facts	fax	<b>AGREE</b>
107	20	port	point	<b>AGREE</b>
110	8	recourse	course	<b>AGREE</b>
119	11	recordable	reportable	<b>Do not agree. Transcript is correct as is.</b>
122	3	Gulfer State	Gopher State	<b>AGREE</b>

122	7	posh	?	Sounds like "PASHA"
125	8	shore	star	AGREE

If to the best of your knowledge, no corrections are needed kindly circle the statement "no corrections needed" and initial in the space provided.

NO CORRECTIONS NEED. \_\_\_\_\_

Initials

*Philip Morrell*

Printed Name of Person providing the above information

[Redacted Signature]

Signature of Person providing the above information

*7Y6V t4 'Z. c (-)*  
Date



Lee Peterson

TOTE Services

SUBJECT: Supplement to witness interview of Phil Morrell conducted on October 13, 2015

I am contacting you as the TOTE Services' Party Coordinator and Party Representatives in connection with the NTSB El Faro accident investigation, NTSB Accident No. DCA16MM001. Please forward this e-mail to the appropriate NTSB investigative Group Chairpersons. After reviewing my transcript, one matter requires additional clarification.

I was asked a series of questions about Captain Davidson's future with the El Faro once it shifted to Alaska service. I testified that he would not have continued as the Master of the El Faro after it returned to Alaska service. I based this testimony on my knowledge that Tote Maritime Alaska preferred that its Masters have significant and recent experience sailing as a senior officer in the Alaska trade lane and therefore assumed that Captain Davidson would not have continued as Master of the El Faro. I did not intend to suggest any deficiency in Captain Davidson, nor was I considering union rules that may have provided Captain Davidson the right to continue as Master after the El Faro shifted to the Alaska trade lane. Finally, I have no knowledge as to what, if anything was communicated to Captain Davidson about his future role with the El Faro.

Please note this clarification in your investigative record.

Phil Morrell